

T H E
Parliamentary Register;
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H I S T O R Y
O F T H E
P R O C E E D I N G S A N D D E B A T E S
O F T H E
H O U S E O F C O M M O N S ;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate
Copies of the most remarkable LETTERS and PAPERS;
of the most material EVIDENCE, Pre-
laid before and referred to the H.

DURING THE

FIRST SESSION of the FIFTEENTH PARLIAMENT

O F

G R E A T B R I T A I N.

V O L. III.

L O N D O N .

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THE
H I S T O R Y

OF THE

PROCEEDINGS and DEBATES

Of the FIRST SESSION of the

H O U S E of C O M M O N S,

OF THE

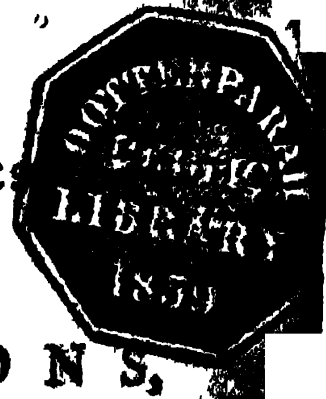
Fifteenth Parliament of Great-Britain.

First REPORT from the COMMITTEE of SECRECY, appointed to enquire into the Causes of the War in the CARNATIC, and of the Condition of the British Possessions in those Parts.

THE Committee of Secrecy, appointed to enquire into the causes of the war that now subsists in the Carnatic, and of the present condition of the British possessions in those parts, and to report the same to the House, with their observations thereupon, having, since the day of their appointment, employed themselves with the utmost diligence in perusing the records of the East-India Company, and several other papers which they had ordered to be laid before them, and in examining such witnesses as were likely to afford them information, and to throw light on the several objects of their enquiry; they will now report to the House the result of their proceedings in the following manner:

THEY will first give the House an account of the irruption of Hyder Ally into the Carnatic; of the military transactions that happened in consequence thereof; and of the measures that were taken by the governor general and council of Bengal, and by Sir Edward Hughes, commander of his Majesty's ships in those seas, upon their receiving information of Hyder Ally's irruption; and of the defeat of the troops under the command of Colonels Fletcher and Baillie.

And as it is impossible fully to judge of the conduct of the Company's servants, as far as it may be supposed to have had any influence on these transactions, without being first informed of the intelligence they received of Hyder Ally's intentions to invade the Carnatic—your Committee will, in



the next place, state to the House the intelligence which the Company's servants appear to have received of the hostile intentions of that prince, and of his preparations to make war on the British possessions; and your committee will then proceed to report the conduct of the company's servants, as far as it appears to have had any influence on these transactions, or to have been the cause of the misfortunes that have lately happened, under the following heads:

MILITARY,
POLITICAL,
REVENUE.

Although your committee are not as yet prepared to give full information to the House upon all these different branches of enquiry, they have thought fit not to let the session come to a conclusion without bringing down a report of what they have already prepared.

And your committee find, as well by the dispatches received by the court of directors from their servants in India, as by letters received by the lords of the admiralty, by his Majesty's principal secretaries of state, and by the secretary at war, from his Majesty's officers in those parts, that the various reports which had for some time prevailed of the hostile movements and preparations made by Hyder Ally Khan, for the declared purpose of invading the Carnatic, were verified by certain intelligence, received at Fort St. George on and after the 23d of July 1780, that part of his cavalry had actually entered the province in different places, and that one body, after destroying the village of Conjeveram, had penetrated quite across the peninsula as far as Porto Novo (a sea-port a little to the southward of Cuddalore) and had plundered it, and that Hyder himself soon followed with his whole army through the pass of Changama.

It appears that the alarm was now poured in from all sides, and almost every frontier of the Carnatic was at once attacked or threatened by the enemy's horse; nor were the northern Circars without reasonable apprehensions of being over-run by detached parties of them.

And your committee find, that these accounts were generally accompanied by representations from the different garrisons, of the danger to which they were exposed, of falling a sacrifice to the invader, unless they had a material and speedy supply of men and stores.

And it appears, that Hyder's power was represented as the more formidable, not only from the number of his own troops, which, by reports, amounted to near one hundred thousand men, but from his being joined by a considerable body of Europeans under Monsieur Lally, with whom he was said to confer on all occasions, and by whom he was stimulated to such determined enmity against the English, as to give up his first intention of writing to the governor of Madras.—And it appears, that news being also then said to be brought from Mauritius, of the French superiority of force and success in Europe, and of their intention of sending to the coast a considerable reinforcement of troops, and supply of military stores, Hyder was said to have expressed his pleasure at these tidings, and to have repeated his determination “to ruin the Carnatic, and to chastise the English. He had tried them already, and knew them well; they had no conduct; and even now, although he had assembled so great a force to enter into their country, they had not manifested

manifested the least glimmering of ability, and therefore now was the time to go against them."

It was said, he had given particular orders that no attack should be made on the Tanjore country; but his design was either to surprize Madras, with the situation of which he was well acquainted, or to assault Arcot, or to go first to Pondicherry, and after fortifying it, to proceed to the siege of the capital of the Carnatic—that he had received letters from Poonah, which encouraged him to invade the Carnatic, and assured him, that the Peshwa would on his part also prosecute the war after the rains should be over.

And your committee find, that Mr. Whitehill was now president and governor of Fort St. George, and that Mr. Smith, Mr. Johnson, and Sir Hector Munro, composed the select committee; which being assembled on the 24th of July, and the following days, in consultation, on the intelligence lately brought to them, resolved, "that, as beyond all doubt, Hyder had actually committed hostilities against the Carnatic, the most expeditious means should be taken for assembling an army in the field, and for this purpose the following troops were, by the commander in chief, recommended to be immediately ordered to hold themselves in readiness to march, at a moment's warning," His Majesty's 73d regiment at Poonamakee, 1st battalion, one regiment at Vellore—the troops cantoned at Pondicherry, consisting of one battalion of Europeans, and 4 battalions of sepoy—15th battalion of sepoy at Trichinopoly—21st do. of do. at Madras—grenadiers of the European battalion at do—the artillery at the Mount—at the same time absent officers were directed to join their corps, draft and carriage bullocks were ordered to be got in readiness, and all necessary stores to be prepared:

Letters were wrote to Bengal, to Bombay, to Tellicherry, to the Nabob of Arcot, to the Raja of Tanjore, to Sir Edward Hughes, and to the officers commandants on different stations.

It appears that the select committee, in their dispatch, dated 26th of July, to Bengal, after reminding the governor general and council of having in their last letter informed them of Hyder's approach to the frontiers, now give an account of his being actually in the Carnatic with a large army, and that great numbers of the inhabitants were fled from their habitations, and that thereby an entire stop would be put to the tillage of the ground—that in these circumstances they must hope for a speedy supply of money from them, or their resources would be found inadequate to the exigency;—that if they could be assured of means to support the expence, and knew the present situation of the government of Bengal, in regard to the Marattas, they would direct an attack on Hyder's possessions on the Malabar coast, by assistance sent to the detachment they had at Tellicherry, and by the co-operation which they should hope for of the squadron of his Majesty's ships. In conclusion, they earnestly enforced the necessity of all the presidencies uniting to punish Hyder.

It appears in their letter to Bombay, dated 28th July, the select committee give a similar account of Hyder's invasion. (the probable causes of which they think it were superfluous now to state) and declare themselves capable of acting only on the defensive: they express a hope that Bombay might be in a situation to distress Hyder by attacking his possessions on their coast, or at least that they would do so when the Maratta war should be at an end:

they suggest it to them to use endeavours for stirring up the Nairs against Hyder, which they suppose might be easily accomplished.

It appears that they address themselves, on the 28th July, in like manner to the chief and council of Tellicherry, recommending to them to be on their guard against Hyder's partizans in those parts; but hoping at the same time that they may be easily able to draw off the Nairs to act offensively against him.

It appears to your committee, that the nabob had been the first to give intelligence of the irruption of Hyder's horse, and of the ravages which they had committed; he had very strongly expressed his alarms for the safety of his country, and had himself been a solicitor to the presidency for the protection of his territories.—And it appears that the letter of the governor to him, dated the 26th of July, contained not only an application for his assistance in money and other supplies, but also an answer to parts of his letters. The governor observes, “ that Hyder's motions for some days had unveiled the design he seems to have entertained for some time past against the Carnatic; that whilst there was any probability of his intentions being frustrated or directed to another object, he, the governor, chose not to put the company or the nabob to the expence of great military preparations, because he was very certain after the exertions they had lately made against the French, that such expence could not be provided for, without neglecting other objects of great importance; but that now, when hostilities were actually commenced on the part of Hyder, it became expedient at all events to attend to the safety of the country; and he hoped that the Nabob would exert himself for that purpose, and inform him what money he could furnish, and endeavour to collect as great a supply as possible of bullocks, provisions, and other necessities ”

It appears to have been suggested, that the country of Tanjore was not over run or plundered by those who were spreading devastation all around it; and of this circumstance the governor made use in his letter to the Raja, dated the 29th of July, to enforce his application for assistance, particularly for a supply of grain, and an ample contribution of money, to expedite the military operations, and to shew his zeal in a cause in which the welfare of his own government, as well as that of the company, and of the nabob, were so much interested.

It appears that the letter dated the 28th of July, to Sir Edward Hughes, contained a request that he would send the *Sartine* frigate to Pondicherry, to convey thither artillery, officers and men, and some *Lascars*, with tents and baggage, and some field pieces, and to assist in bringing off some French officers,annon, and military stores, which Colonel Braithwaite, the commander of the troops stationed there, would wish to put on board.—And it appears that Sir Edward Hughes very readily complied with this request, and informed the Board, by letter of 30th July, that as he apprehended the French would attempt to land a body of troops from Mauritius on the coast, he should proceed with the *Squadron* stationed off Nijore and Negapatam, that he might be in the way of intercepting them.

It appears to your committee, that orders were sent to Col. Braithwaite, on the 24th and 27th of July, that, after he should have embarked on board the *Sartine*, and such other vessels as he could procure, all the gunpowder, cannon,

cannon, and stores, remaining in Pondicherry, he should march to Wandewash with the troops under his command, provided he had reason to believe, there would be no danger of his meeting a force much superior to his own; but if he apprehended any danger of that sort, he was to march directly to Madras, by the most secure route he could take.

And it appears that Colonel Nixon, commanding at Trichinopoly, was ordered, by letter of 26th July, to detach immediately Captain Davis's battalion and two field pieces, to join Col. Braithwaite at Pondicherry.

And your committee find, that Colonel Baillie, who commanded at this time a strong detachment of troops in the Guntur Circar, was ordered, by letters the 25th and 29th of July, to direct an attack, as he might find opportunity, on Cuddapah, or some other of Hyder's possessions in those parts, with a view "of distressing the enemy as much as possible, consistently with the necessary protection of the company's territories;—and that, if for the purpose of reducing the fort of Sedhout, he should want heavy cannon, he was instructed to wait till it could be sent to him from Madras—that he should detach assistance to Lieutenant Douglas, for the defence of the Guntur, if necessary or expedient, and should send Captain Smith's battalion to Madras, if he could spare it."

And your committee find, that Lord Macleod, who commanded his Majesty's 73d regiment, was summoned to the board on the 26th of July; and having, on his attendance there, promised to exert himself to the utmost for the service to which he was appointed, received orders the next day to march from Poonmalie to Eyecollam, near Conieveram, as soon as he should be joined by the detachment from the garrison, and the artillery from the Mount; for which purpose, order had been made out on the 26th to Colonel James, who commanded there.

And your committee find, that all these resolutions of the board were not unanimous.

It appears, that two members of the select committee advised, in their minutes of the 26th of July, that Sir Edward Hughes should be desired to sail to Pondicherry, with the whole squadron, for the removal of the troops by sea, "if Colonel Braithwaite should think it would be attended with the smallest risk to march to so important a detachment by land."

And your committee find, that these gentlemen, on the 29th and 30th of July, protested in very strong terms against the orders sent to Col. Baillie; stating, "that the Cuddepah country was on the other side of the passes, far distant from Innaconda, and that if he should proceed thither with his detachment, it would be no easy matter to recall him, should his services be required in the Carnatic; that he ought to be directed to come with all expedition to join the army, by which it might be made sufficient, in all probability, to drive Hyder out of the province, or at least to prevent his taking possession of any of the strong forts. And that it would not be possible to oppose him, if the troops remained in dispersed bodies, and scattered in distant garrisons."

And your committee find, that the president and general persisted in recommending the orders to be sent as before resolved on, alledging as reasons "that Colonel Baillie might not only distress the enemy in a quarter, but oblige Hyder to withdraw part of his force from the Carnatic, and because

was doubtful if provisions could be immediately procured for a greater number than were now under marching orders."

It appears, that Messieurs Smith and Johnson would not admit the idea of their being unable to procure provisions for Colonel Baillie's detachment; and declared, that they held the majority of the committee responsible for the consequences of their resolution on this head.

And it appears to your committee, that the Colonel having, by letter dated the 27th of July, transmitted an account of the difficulties he was under to subsist his troops, on account of Hyder's horse to the southward, and the fullness of the Kistna to the northward, and mentioned also his apprehensions of not being able much longer to detain the bullocks necessary for a march (without which he could not move) the select committee altered their first instructions, and issued a new order on the 31st of July, for him to march towards the presidency "if he should be unable to subsist his detachment in the enemy's country, or from any other quarter."

And your committee find, that Messieurs Smith and Johnson, on the 29th of July, moved, that Sir Hector Munro should himself take the command of the forces in the field; and that the governor, on the 30th July, entered his minute of dissent to the motion, "thinking it highly expedient to have the continuance of the general's advice, to enable the committee to form the plans of operations."—And it appears, that the general at the same time declared, "that whenever the army should be assembled, and the committee be enabled to judge more clearly of Hyder's intention, he would take the command: in the mean time, he thought he could render more service by staying at Madras, and that exclusive of this consideration, his health was very indifferent;" it was therefore resolved, "that Lord Macleod should be desired to take the command, and that instructions should accordingly be prepared for him."

And it appears, that the commander in chief then recommended, that the troops which were to take the field from thence and from Vellore, should assemble at Eyecollam, near Conjeveram; and that it was resolved accordingly by the select committee.

But it appears that a letter received from his Lordship on the first of August by the select committee, occasioned a change in this measure.—He therein offers his sentiments on the plan of operations and particularly for the junction of the several corps of which the army was to be composed.—He observes, "that the rendezvous now intended, might have been the properest before the invasion, but the march of those detachments by the routes proposed, would, at this critical juncture, render them liable to be attacked separately, and either the object of their junction rendered abortive, or some part of the army receive such a check, as, in his opinion, it would be imprudent to risk in the first outset of the war. And, deeming the corps assembled at Poonamallee to be the basis of the strength of the Carnatic, he thinks it ought not to move, from the neighbourhood of the magazines and stores, till joined by all the troops which could be drawn together, and enabled to march in sufficient force to act effectually in the field against the numerous cavalry of the enemy.

He would not venture to suggest the manner of assembling these corps, but would recommend those routes for their march, which a knowledge of the country

country would point out as least exposed to be harrassed by the enemy; and that the junction should be formed near the presidency. —He declares his opinion, that Colonel Baillie's detachment should be ordered to march to the Carnatic, without delay, upon the principle, that all the force of the country should in such a crisis as the present, be collected in the center of it. — He wishes also to be joined by all the cavalry which could be procured; and concludes with declaring, that “he cannot adopt responsibility in the execution of plans which do not coincide with his own judgment.” It appears, that Sir Hector Munro, in consequence of this letter, delivered in a minute on the 1st of August, in which he declared, “that the defence of Madras and the Jaghire, not being the great object of his plan, but as he also wished to prevent Hyder, if possible, from getting possession of the principal forts, he could not approve of Lord Macleod's reasoning; that he still thought the troops should be assembled near the proposed scene of action, and could not himself see the difficulties of bringing the force together; that if the committee should do him the honour to desire him to effect a junction, he thinks he might venture to promise them to perform it, and especially as Hyder with his infantry was yet at Calispauk, near his own territories; and while he remained there, his cavalry could not prevent the junction of their troops.”

And your committee find, that the president hereupon moved, that Sir Hector Munro be desired to take the command of the army assembled in the field; which was resolved on; and Lord Macleod was directed to proceed next day from Poonamalee (if the shores, &c. should arrive that night) towards Eyecollam, and that the general would join him on his March, in a day or two.

And your committee find, that the instructions proposed to be given to the general (by which the plan of operations were left to his discretion) contained a desire, that, “if the dispositions made by the enemy at any time enabled him to leave the command for a few days, he would on such occasion return to Madras, that the committee might have the benefit of his advice for future operations.”

And it appears, that Messrs. Smith and Johnson dissented to this part of the instructions, which authorized the general to leave the army at pleasure; and they declared their concurrence of opinion with Lord Macleod, on the proper mode and place for effecting a junction of the troops; and expressed much alarm at the idea of a distant rendezvous of the army, because of the weakness and wealth of the black town, for the special defence of which they wished to have two battalions of sepoys raised, which the town had promised to pay; they recapitulated many points on which the president and Sir Hector Munro had differed with them; and they asserted, that every material opinion of theirs had, however, been necessarily adopted by the majority in the orders requisite for Colonel Baillie.

And it appears, That the select committee now on further consideration, resolved to direct Colonel Baillie to march towards the presidency at all events, and to take such route as might possibly give him an opportunity of cutting off some of the enemy's convoys.

And it appears to your committee, That new instructions were now sent to Colonel Braithwaite (who had, by letter received the 31st of July, represented his force to be so respectable as, in his opinion, not to fear the impediment

pediment of any enemy they were likely to meet with) that he should march to Chingleput instead of Wandewash, and from thence join the army at Eyecollam.

The European battalion from Vellore was ordered on the 31st of July not to advance to join the army at the place of general rendezvous, if any strong party of the enemy was known to be in the way; but it was in such case to be detained at Vellore, till measures could be taken to facilitate a junction.

And your committee find, That the enemy was in the mean time making an almost uninterrupted progress in ravaging the country, and plundering and burning the villages, and taking several forts on the frontiers: accounts of alarm were consequently very frequent, and the nabob sent daily intelligence of the distressed state of his dominions, and of the few troops there were to defend some of the principal garrison towns, expressing particularly his fears for his capital, which he knew would be soon attacked, and which must quickly fall, if it was not strengthened with additional troops and fortifications. He represented the fatal consequences of its loss, as he had lodged great magazines of all kinds of stores in it, and in the principal forts of Vellore, Gingee, Wandewash, and Trichinopoly, and hoped that measures would be taken to preserve them; that his distresses also were great for want of money, and that he could borrow none, to pay his cavalry, which could not take the field for want of their arrears.

And your committee find, That the raja of Tanjore had early declared himself disposed to assist, as far as he should have the power, in repelling the common enemy; but, that having no troops of his own, he must depend on the company for the protection of his country, which had as yet indeed escaped the ravages of Hyder's horse, because the rivers were impassable, but that as soon as the waters should fall, he must expect their incursions.—He complained particularly in his letter of the 7th of August, that the nabob had, while in possession of his country, so oppressed the people and desolated the land, that he was now himself so far from having money to send to the assistance of the company, that he could not fulfill his engagement for the deposit, and had with difficulty paid his subsidy of four lacks;—that he had great satisfaction in knowing that the company were clear gainers of two lacks annually in time of peace, as the whole expences of the troops stationed for the defence of his country, amounted only to two lacks;—that he would however exert himself to procure grain for the presidency, and had taken off all duties on exportation, as the presidency had informed him they had done on importation, for the encouragement of the country people to carry down their grain to the vessels, which he desired might be sent for it.

And your committee find, That the raja, in a letter dated 27th of July, and Major Maclellan (who commanded the company's troops at Tanjore) in a letter dated the 26th, represented the necessity of repairs to the fortifications, and of reinforcements to the troops for defence of the country, and of artillery men to work the guns in the fort, there being none at present there but a few invalids.

Your committee, in forming the recital hitherto given, have been under the necessity of selecting a variety of letters, and other documents, which they did not think it incumbent upon them to state to the House more minutely than they have done; but those which appeared most material are

collected together, and, for the information of the House, subjoined in the Appendix No. 1. from the perusal of which a more minute knowledge can be acquired of the particulars of alarm and inability to resist the enemy, as expressed in letters from various forts or stations in the Carnatic, and in the Circars. From such an examination it will likewise appear, that scarce any place from one end of the coast to the other was without alarm, and very few acknowledged to be in a sufficient condition of defence. And your committee desire in this place to observe, that the vouchers of the narrative of the report subsequent to this reference, will be found in the Appendix No. 2. and so in the course of the report.

But it appears to your committee, That the irruption of the enemy did not appear formidable only to the nabob, and to those most immediately exposed to attack; and that complaints of the neglect of preparations, and of the deficient means for resistance, were not expressed from those quarters only.

Your committee find, That one of the members of council, Mr. Sadlier, delivered in a minute on the 29th July, relative to the present state of affairs; in which he declares, That they had been long approaching to that unhappy state at which they were now arrived; and that private mismanagement, and not public calamity, had brought them to the brink of destruction; that Hyder Ally had long treated them with neglect and insult; that he had for some months past been assembling a large army on the frontiers, while his vakeel was allowed to remain at Madras, to give him daily intelligence of the effect his motions had upon this government, which remained inactive, and had neither resolution to question him about the cause of his intentions, or to provide against the danger—That they had suffered their troops to remain scattered in different parts of the country, without stores or guns; their garrisons were not put in a state of defence; no pains were taken to replenish an empty treasury, and that their want of exertion now was equal to their neglect of timely precaution.

That Hyder, now in the heart of the Carnatic with so great a force, might cut off their small detachments before they could form a junction; that the principal garrisons, neglected and wanting all necessaries, would easily fall.—A number of small forts, Wandewash, Carangolly, Arnee, were left defenceless, or garrisoned by a few companies of nabob's sepoys, who had not been paid for eighteen months, and might be glad to change their master;—that Arcot, and all the stores hoarded there, perhaps had fallen;—Vellore could not spare a man from its own defence to strengthen it—The three battalions of Pondicherry, without guns, might be easily cut off by a part of Hyder's army—In short, that the whole country, from the Coleroon in the southward to the country of Nellore to the northward, excepting Trichinopoly, Vellore, and perhaps Anboor, might be in Hyder's possession in a month, and even those garrisons would then be starved into capitulation; that by the means of Porto Novo he had gained a communication with the islands.

That, "Till Conjeveram was plundered, the news of which arrived on the 23d, not one of those who ~~commanded~~ ^{managed} the entire management of the company's affairs, would believe that there either was an enemy in

the country, or that it was likely to be invaded;" yet, in eight days the country was over-run—That moreover the capital itself was in danger, and no effectual means had been yet taken for its safety.

That the treasury was empty.—The nabob had declared he had no money; the rajah of Tanjore had made the same declaration.—The Masulipatam districts were so far from being able to furnish supplies, that the arrears of tribute now amounted to 17 lacks of pagodas.—That Sitteram Rause, the most wealthy zemindar under the company, had not paid his kists, and instead of being pressed to pay them, a remission of tribute had been voted to him. Ball Kistna was in arrear, nor was it believed that he would ever be induced to make good his engagements.

That the nabob's revenue had been diminishing annually, though his expenses had not been adequate to his revenue;—the other revenues of the presidency had been also diminishing, their specie had been transported to China and to Europe at the rate of ten and fifteen lacks annually;—that he still however thought there remained resources, if there was exertion to draw them forth.—He then states the confusion which followed the news of the irruption, and the danger in which the Black Town had been, of being pillaged, and that to which the nabob and his treasures were exposed, while no immediate steps, proper for assembling the army, were taken.—Colonel Braithwaite's corps ought to have been brought by sea; Colonel Baulie should have been ordered to march to the presidency; the commander in chief should immediately have been at the head of the army on its first forming.

He then reprobates the disorder suffered to prevail in the Black Town and the fort;—dreads the consequence of suffering the army still to remain in separate bodies, each thereby easily to be cut off;—inveighs against the idea of forming it in a country already plundered by the enemy.—And lastly, after recapitulating his observations, he concludes with an advice, that the nabob and his effects should be received into the fort, and his cavalry should be paid, that they might be brought to act as soon as possible.

It appears, that Mr. Johnson, remarking a passage in the minute of Mr. Sadlier, where he says, "That till Conjeveram was plundered, the news of which arrived on the 23d, not one of those who assumed to themselves the entire management of the company's affairs, would believe that there either was an enemy in the country, or that it was likely to be invaded;" desired to remind the committee, that he had delivered in a minute on the 19th of June, and Mr. Smith the 19th of July, wherein they had given their sentiments on the approaching danger.

And your committee find, That the president and the general did not delay an answer to Mr. Sadlier's observations: which they term "illiberal reflections on the conduct and measures of government;" and the whole "an inflammatory declamation," which they attribute to his grief at not being of the committee, or to a panic with which he had been stricken, or to the extravagance of a warm imagination.

They insist, that the real situation of affairs was happily not so alarming as Mr. Sadlier had represented it to be; and that it was particularly wrong in any member of administration, to picture the exertions made on a sudden invasion of an enemy, as proofs of the country being ruined: "that if, as Mr. Sadlier asserted, the committee were inattentive to the steps which Hyder had

had for some time past been taking with respect to the Carnatic, they most unquestionably would feel themselves worthy of the most severe displeasure of their employers. But if Mr. Sadlier had been in a situation to have known what the committee had done, he would have known that they have been by no means inattentive; that they had represented, both to the company and to Bengal, the extent of Hyder's views, and had circumstantially informed the latter of every step he had taken, previous to his attack upon the Carnatic. That the committee, who were alone the proper judges, did not think it expedient, in the then situation of affairs, either to demand a categorical answer from him, or to send away his vakeel. That Hyder, from the moment their troops marched against Mahé, threatened in return an invasion of the Carnatic; that his inclination was little to be doubted, but the season of the year was allowed to pass away when he could most effectually have injured the nabob; the grain was got in, the monsoon approaching, which would necessarily retard every operation in the field. "Under those circumstances, therefore, and under the certainty that his main army and artillery had not yet got through the gauts, and that he himself, so far from being in the heart of the Carnatic, was still in the neighbourhood of the passes: under all these circumstances, the committee deemed themselves vigilant in the trust reposed in them, when they resolved to assemble an army as speedily as possible, when they took measures for obtaining the co-operation of the presidency of Bengal, when they got the nabob to collect additional provisions in his different garrisons; and in short, when in the last resort, they came to the determination of exerting every power towards the punishment of a wanton, unprovoked infringement of the peace of 1769."

They then accused Mr. Sadlier of sowing disaffection, by threatening not to confine his sentiments to the board at which he sits, but to communicate them to the community at large, that they may know their danger.

They defend the plan and place recommended by the commander in chief, for assembling the different detachments to compose the army, as the nabob had asserted, that a sufficient quantity of provisions could not be collected for the troops nearer than Wand. wash; and that the central situation of that place would be found convenient for receiving supply, and for giving protection to the company's and his own possessions; that however the event would shew, whether they or Mr. Sadlier was right. They express particular resentment at Mr. Sadlier, for having presumed to say, that the "committee acted by an usurped authority;" they consider this as an attempt at the subversion of a power, fixed by the most explicit orders of the company, and an unpardonable transgression: that therefore, "as the commands of the company were clear and decisive with respect to the line which in case of necessity the president and council, as well as the committee, were authorised to take, and as that necessity now existed in its most alarming form, the president moves, and the general seconds, that Mr. Sadlier be suspended, &c."

It appears that this motion was carried: but that Mr. Johnson and Mr. Smith strongly expressed their dissent; and that the former desired to make a public avowal of the same sentiments which were contained in the minute of Mr. Sadlier.

And your committee find, that they afterwards, on the 8th of September, entered their minutes; in which they declare, that the representation made

by Mr. Sadlier agreed in many particulars with their own sentiments; that they had before expressed them, and had reason to complain of the inattention of the committee to them; that they had, particularly on the 19th of June and 19th of July, desired that preparations for war might be made without delay, on receiving various informations of Hyder Ally's hostile intentions.

They protest against the violence of the measure of the suspension, and fear that the terror of that example was calculated to over-awe the members of administration from a free declaration of their sentiments; they protest against it as unjust, because no specific charge was brought, nor was Mr. Sadlier heard in his defence; and as irregular, because contrary to the sixth paragraph of the company's letter, dated the 10th of April 1778, which vests the power of suspension in the committee; and that the president and general had before expressly declared it to be entirely in them (the committee.)—They intimate a suspicion, that private resentment against Mr. Sadlier, more than public utility, might have caused the severity exercised against him.

That Mr. Sadlier's ideas of the danger of the "Nabob" was not without foundation; the attack made by a party of horse, which had penetrated as far as Triplicane, the place of his residence, without meeting with any resistance, had evinced the propriety of Mr. Sadlier's reflections.—They conclude with observing, that Mr. Sadlier was suspended for a minute containing advice, which was afterwards, in several instances, obliged to be followed.

And it appears, that Mr. Sadlier afterwards, in two letters dated 12th September and 9th October, appealed to the select committee, and pressed them to rescind the resolution which they had made for his suspension; and that he also addressed a letter on the 16th of October, to the president and council, on the same subject.

And it further appears, that in a letter dated 16th November 1780, to the president and select committee, he complains of the inattention shewn to his petitions, and particularly to his letters to the governor general and council, and to the court of directors; which, he observes, had remained before the Board from the 17th until the 26th of October, and that "then, and not till then, he had received a letter from Sir Hector Munro;" which your committee find to contain a challenge from Sir Hector to Mr. Sadlier, "for what he had said maliciously and falsely of him in his letters."

Your committee have thought proper to put these papers, together with Mr. Sadlier's answer to Sir Hector Munro, into the Appendix, and to submit the whole to the observation of the House.

And your committee find, That by a resolution of the select committee, on the 2d of August 1780, a plan was then formed for a secret expedition, with a view of intercepting the convoys of provisions or stores which might be coming through the passes for the use of Hyder's army; and that Captain Cosby was appointed to command a strong detachment, drawn for that purpose from the troops stationed at Trichinopoly and at Tanjore, to be joined by two regiments of the nabob's cavalry, if they should arrive in time from the Tinevilly country; and it appears that they joined him at Trichinopoly on the 27th of August.

But your committee find, That this design, the only offensive one undertaken at this time, was not attended with success; that many circumstances occasioned great delay in the outset; that good intelligence could not afterwards be procured by Captain Cosby; but that on the contrary, continual information was sent to Hyder of all his motions, by the inhabitants of the country, whom he had contrived to attach to his interests.—That the ways were so much infested with parties of the enemy's horse, and Captain Cosby found himself so continually betrayed by the kaledars, and other servants of the nabob, especially on an enterprize he attempted for retaking Chittapur, that he at last, after various and fatiguing marches, was obliged to relinquish all other pursuits, than that of seeking to join the army; in which also, for want of information, he was disappointed, until he accidentally met with it on its retreat at Chingleput, on the 12th of September.

And your committee find, that after the irruption of Hyder into the Carnatic, various orders were sent by the select board, to different parts of that province and the northern Circars, to strengthen the several posts, and to send soldiers mutually from one place to another, as it might be necessary and possible.

And it appears, by a letter from Chingleput, dated 5th of August 1780, that Lieutenant Macray, the commandant, observing that no steps had been taken to secure the grain of the different villages from being carried away or burnt, and that the nabob's managers would do nothing of themselves, proposed, for the good of the service, to send out for as much as he could get, to prevent it from falling into the hands of the enemy.—And it appears, that the select committee, in their answer of the 8th August, expressed their approbation of his conduct, and directed him to secure as much grain, and collect as great a number of cattle, as he could.

And it appears, that advances of pay were agreed to be made to three regiments of the nabob's cavalry, and that they were ordered into immediate service.

*And your committee find, That on the 3^d of August, advice was sent from the select committee to Tadulpatam, Vizagapatam, and Ganjam, of Hyder's invasion; and that instructions were given to them to be on their guard, and to draw their troops together as much as possible, that they might be able to act in a body in case of attack; which was, however, not much to be apprehended. And it appears, that particular application was then made to the chief and council of Tadulpatam, that they would remit as much money as they could collect, it being greatly wanted to answer the expenses of the war.

And your committee find, That an attack made by Hyder's horse on the 10th of August, upon Triplicane and the gardens about St. Thomas's Mount, occasioned a motion to be made in the committee on the 11th, that redoubts should be thrown up around Choultry plain, for the purpose of keeping off the enemy's horse, and preventing a sudden invasion upon the Black Town. But it appears, that General Munro disapproving of this measure, as expensive, laborious, and inadequate, recommended it rather to embody a militia of horse and foot, and to compleat two battalions of sepoys, for the special purpose of that defence: and when it was afterwards, on 16th August, represented, that many of the inhabitants of the Black Town deserted

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the place from apprehension of danger, the president assured the committee on the 17th, that a number of guns had been mounted on the wall; that the ditch was in some parts cleared and the works were going on; that about 600 sepoys, who had been enlisted, were perfecting themselves in their discipline; and that nothing had been omitted for the defence of the place, and the safety of the inhabitants.

And your committee find, That a letter of thanks was addressed to Sir Edward Hughes, by the select committee, on the 6th of August, for the services which it appears he had rendered to Colonel Braithwaite by means of the squadron; and they at the same requested him to prolong his cruise to the southward as much as possible, in order to prevent any disembarkation of the French troops on the coast.

And your committee find, That daily tidings were sent to the presidency, of the progress which Hyder was making in devastation and conquest; and it appears, that fear, as well as good information, suggested various accounts of his designs; and it was from some of his movements conceived, that after taking Trinomalee, Pollour, Chittaput, and other places, he designed an attempt upon Gingee, where the nabob's killedar would not at first allow the European officer, who arrived there on the 8th of August with a reinforcement, to take any steps for the defence of the place, as he had received no orders for that purpose from his master.

It was, however, soon made manifest, that Arcot was Hyder's first great object; and it appears that he sat down before it on the 21st of August, it having previously received a reinforcement to its garrison from Vellore on the 8th.

And your committee observe, That it had been resolved, that General Munro should take the field, at the head of the army to be assembled near Conjeveram, and that orders had been accordingly sent to the officers commanding several detachments, to repair thither, in order to unite their corps.

But it appears, That the general informed the select committee on the 14th of August, that this plan was prevented from being put in execution, by the want of bullocks to carry sufficient provision for the troops; and that the reason assigned at the Durbar for that deficiency was, that the country people had driven them to the Pollams, for fear of the enemy's horse; and he therefore advised, that the rendezvous should be now made at the Mount, where the troops should remain till eight days provision could be collected and bullocks to carry it, when they should immediately proceed on their march.—And it appears that this was agreed to by the committee; and a letter was sent the same day to the nabob, to represent these difficulties to him, to request the exertions of his interference, that a sufficient number of bullocks might be procured, and provisions of grain and cattle furnished, and that he would send a person of consequence to accompany the army, in order to secure a constant and regular supply.

And your committee find, That the nabob in his answer of the 20th of August, reminded the committee of the stores of all kinds which he had laid up in several of his forts; and, entreating them to order the army to march immediately for the relief of Arcot, assured them, that the troops would be there plentifully supplied with every necessary.—And it appears, that in consequence of the new resolution, to rendezvous the army at the Mount, orders were sent

sent to Conjeveram, that in case the European detachment from Vellore should have already reached that place, it should immediately leave it, and march to the Mount.—It appears, however, that a letter was wrote on the same day to Colonel Lang at Vellore, instructing him, that, as he had sent so large a detachment to Arcot, he should keep the European battalion at Vellore till further orders.

And it appears, that Colonel Lang had wrote on the 12th to the select committee, to acquaint them, that he had not sent these troops to Conjeveram, and hoped they would approve of his detaining them, as he should otherwise have had not above two hundred sepoys for the defence of that fort; and that moreover a strong body of the enemy's horse was encamped in the way, so that it would have been dangerous to attempt the march.

And your committee find, That Colonel Braithwaite had reached Chingleput on the 18th August with his corps, when he received instructions to join the rest of the army at the Mount.—It appears, that he had transmitted accounts on the 10th, to the presidency, of his having evacuated Pondicherry; and that he had previously sent off all the French officers capable of service, and had taken an attestation of fidelity from other French gentlemen who were to be left there.

It appears, That Colonel Braithwaite had passed through Carongolly on the 12th of August, and observed, with great concern, the defenceless state in which a place of that importance was left, garrisoned only by twenty nabob's sepoys, under an havildar, who objected to receive ammunition from him without orders from his master; and having complicated his whole march without seeing an enemy, when there was so favourable an opportunity of attacking him to advantage, he was led to consider this circumstance as a strong proof, that Hyder was not to be seriously apprehended; “and that if at all faced and pushed, he would retire out of the Carnatic as fast as he came into it.”

And your committee find, by letters dated the 20th, 21st and 22d August, from Chingleput, that provisions were extremely scarce there, and that Colonel Braithwaite found himself in the most pressing necessity for a supply; which situation was rendered the more distressing, because the nabob's renters would not assist him, and indeed had received no orders to do it.

And your committee find, That Colonel Baillie, by letters dated the 5th, 10th, 13th and 16th August, and 1st September, informed the select committee, that in obedience to their last instructions, which had been sent to him; he was on his march towards Conjeveram—That he had met with many impediments from the rivers he was obliged to pass, but professed his eagerness to bring up his corps to the place of junction as soon as possible.

And your committee find, that the general, now about to quit the committee for the camps, delivered in a minute on the 21st August, before his departure; in which he declared the necessity he found himself under, of desiring that Mr. Davidson might be appointed an acting member of the select committee in his absence, in order that “his reputation as an officer, and as a man, might have a fair chance given to them whenever any responsibility should fall to his share, for that he had little expectation of having any of his plans adopted, or a fair construction put upon his actions, by Messrs. Smith and Johnson, who were determined to oppose every measure originating from,

approved of by, the president and him : that therefore, being resolved not to be answerable for the actions of others, which might affect him in points as an officer, and in hopes of carrying the plan approved by the president and him into execution, without dispute or dissension to retard it, he moved accordingly, that Mr. Davidson should be appointed of the select committee."

And it appears, that the president seconded the motion upon the same grounds; and added, "That though no man had a greater repugnance to acting contrary to the commands of his superiors than he had, yet he thought there was, in the reasons assigned by the general, an expediency for a temporary infringement of the company's orders," and therefore he further recommended, "That Mr. Davidson should be sworn in before Sir Hector Munro's departure;" and at the same time he desired "to thank the general for the liberal and constitutional support he had given him since he had been president."

And it appears, that Messrs. Smith and Johnson immediately dissented; insisting, that such appointment was expressly contrary to the orders contained in the letter from the court of directors, of the 10th April 1778. And it appears, that they afterwards, on the 3d of September, delivered in a minute on this subject; and also, that on the 6th of that month, they desired to refer the matter to the decision of the governor general and council; but that proposal appears to have been rejected.

And your committee find, that Mr. Davidson was, by the president's casting vote, appointed and sworn in on the 1st of August.

And your committee find, that in the end of August the president proposed certain instructions for the general when he should take the field; and that on the 24th, Messrs. Smith and Johnson recommended others, which they had prepared, and which, with some exceptions, were agreed to by the committee; and from them it appears, that no particular plan was enjoined him, because of the confidence reposed in his military skill and experience; which he was desired to exert to the utmost on the present occasion, and to attack the enemy on the first favourable opportunity.

And your committee find, that a second letter had been written to Bengal, giving an account of Hyder's progress, and attributing the delay of bringing an army into the field to oppose him, to the distant stations in which the troops were divided when he made his irruption into the province, and also to the want of money; in which article they solicited an ample and immediate assistance.

And your committee find, that it had been proposed, that the select committee should take into consideration a letter from thence, of 12th June, relative to the guntoor circar and the suspension of Mr. Holland; who having been sent from Fort St. George to be resident at Hyderabad, had incurred the displeasure of the governor and council, and they had suspended him from the company's service; of all which, however, a more ample account will be given in another report; and it is therefore judged sufficient in this place, to observe, that the presidency of Bengal had thereupon appointed him to be their resident at the Nizam's court, with particular instructions to satisfy that prince on account of the Guntoor Circar, and to promise a relinquishment of the grant of it from Bazalet Jung. It was proposed, on the 2d and 7th of August, by Messrs. Smith and Johnson, that the select committee should take

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off the suspension from Mr. Holland, and, in obedience to the requisition made by the governor general and council, withdraw the troops from the Guntoor, and restore it to Bazalet Jung.

And your committee find, that this motion was opposed on the 7th, by the president and the general; and that the latter expressed an apprehension, that the court of directors might not approve such a measure; and that it was therefore necessary to acquaint the governor general and council, that as they had given their sanction to the means of acquiring the Circar, they must be answerable for the consequences if they should now insist upon its being given up.

The letter, however, for this purpose, having been long delayed, it appears that Messrs. Smith and Johnson moved on 22d August, that the Circar in question should be given up, as it was highly necessary at this juncture to secure the alliance of the soubah, without delay.

And your committee find, that it was hereupon resolved to acquaint the governor general and council, that the presidency of Fort St. George was willing, notwithstanding many objections, to make the sacrifice on account of the present posture of affairs; but that the Circar having been let at rent to the nabob, it was necessary to prevail upon him to give up his lease, and that they promised to make application to him for his consent.

And it appears, that a letter was accordingly wrote him on the 2d of September, to desire his concurrence in that measure.

And it further appears, That the letter to the governor general and council, drawn up in consequence of the resolution recited above, is also dated the 2d September; and that it was laid before the select committee on the 6th, when Messrs. Smith and Johnson expressed their disapprobation of it, as inconsistent with the sentiments which they had already expressed on the subject of it.

But your committee find, That the nabob, in a letter dated the 17th August, and laid before the board the 7th September, informed the governor of the danger in which that district was of falling into Hyder's hands, as there were no troops nor fortifications in condition to oppose his numerous cavalry; and as moreover the zemindars were disaffected to the company, and had sent va-keels to him.

And your committee find, by letters from Visagipatam, 5th August, that a new alarm had been spread through the other Circars also, by a very large body of horse, which appeared, and encamped in the country of Cuttack, adjoining on the north to the Cicacole Circar, and that these troops were commanded by a son of the Raja of Berar, but supposed to be under the controul, and in the pay, of the court of Poonah, and consequently inimical to the company.

And it appears, That the dread of their designs was so much the more reasonable, as the accounts of the weak state of the Circars left little hope of successful resistance against any considerable attack.

And your committee find, That the apprehensions of the presidency was at the same time awakened for another part of their possessions in a different quarter; for news reached the select committee, on the 21st August, that the Sardar of Calicut had led a considerable body of Hyder's forces to join the Nairs; and that having together driven the company's troops out of the island

of Durampatnam, they threatened Tellicherry, and the rest of the British possessions on that part of the Malabar coast.

And your committee find, that Hyder's horse and sepoy's had also appeared about Madura; and that in the Tinnevely country the Polygars required assurances of being encouraged and protected by the company and the nabob, before they would be induced to draw any force together to resist the invaders. And the commandant at Palamcottah suggested, that it would be expedient for him to be empowered to pledge the faith of the company to them, as they were a formidable body, could they be depended upon; and he pointed out the necessity of his having all the troops put under his orders, because the nabob's manager had intended to appoint the brother or one of Hyder's havildars to be commander of the nabob's polygars and troops.

And your committee find, That Sir Edward Hughes, in a letter dated the 28th of August 1780, informed the president and select committee, that from the intelligence he had lately received, he thought there could be no doubt that the French would soon receive a reinforcement of ships and troops at the Mauritius, and that they meant to act offensively against some of the company's settlements in that country, either jointly with some of the country powers, or separately by themselves.

And your committee find, that these distresses, brought from without, were heightened by the intestine mischief of a mutinous spirit in the nabob's sepoy's, even within the important fortress of Vellore, and by the general complaint of their want of pay and the consequent danger of their desertion.

And your committee find, that the nabob also, at this crisis, sent his answer to the governor's letter of the 26th of July; and in it drew a melancholy picture of his situation, from his poverty and the desolation of his country; the first he attributed to his being stripped of the Tanjore country, which had obliged him to contract a great debt, and to borrow of individuals; the other he declared to be only the confirmation of his apprehensions, which he had expressed often, both to the present and late governor; and earnestly entreated them to be prepared against the certain intentions of hostility, which Hyder had long manifested. He rejoiced, however, in knowing that now at least an army was in the field, to stop the progress of, and to punish the unprovoked invader of his dominions. He hoped, that in compassion for his distresses, and out of consideration for the oldest and most faithful of the company's allies in Hindostan, his friends would raise the money necessary for the expences of war which he, on the return of peace, would refund.

And your committee find, That such was the situation of affairs when letters from Sir Hector Munro of the 5th and 9th of September, informed the select committee, that Hyder had raised the siege of Arcot, and was encamped within two miles of him near Conjeeveram. He added, that he meant to attack Hyder as soon as he could join Colonel Baillie, who had at last been able, on the 3d of September, to cross the rivers, which had so long obstructed his progress; but that to effect a junction, he must detach a strong body of the troops to strengthen the Colonel on his march, while he himself should remain where he was, to watch the enemy and guard his provisions, the want of which he foresaw would soon end the campaign. He complained of the nabob for not sending a proper person with the army, to secure a constant supply;

ply; and he wished also to have a reinforcement of 200 Europeans from Madras, as there was now no danger of an attack on that place.

And your committee find, by a letter from the commandant of Chingleput, dated the 11th September, and by another from Sir Hector Munro, dated 12th September, that the news of the defeat of Colonel Baillie, and of the general's falling back to Chingleput, and of his intended retreat to the Mount, or by the way of Sadras, as he might find it expedient from the motions of the enemy, or with a view to be supplied with provisions, followed very soon.

Your committee judge it proper, in this place, to direct the attention of the House to the accounts given of these unfortunate events, by those who were most competent to relate them, and to offer their sentiments upon them; and they therefore here insert at large, the journal of the proceedings of the army from the 25th of August to the 15th September, delivered in by the general to the select committee on the 21st September.

Extract of a Letter from General Sir Hector Munro to the Select Committee, dated 21st September 1780.

After having, with the greatest difficulty, got as much rice as would serve the troops for eight days, I was obliged to order the sepoys to carry four days rice each; and with the utmost difficulty got bullocks sufficient to carry the remainder. Hyder Ally having besieged Arcot, and the relief of that place being considered of the greatest consequence, as the nabob's capital, and a place in which there was a great quantity of military stores, as well as provisions, I was willing to move, as quick as possible, towards Conjeveram, imagining that an army advancing towards Arcot might be the means of raising the siege; which, in fact happened. Lieutenant Colonel Baillie, with a large detachment from the northward, was advanced so far, that I had concerted measures so that he would arrive at Conjeveram the day after we got there.

The 25th of August I went to St. Thomas's Mount, where the army was encamped. Captain Campbell's regiment belonging to his Highness the nabob, was with the troops, but refused serving any longer, unless they received all their arrears of pay; which the ameer, who was there in person, not consenting to, their arms and horses were taken from them; about 56 of them, including 17 black officers, offered to serve, and Lieutenant James Campbell took the command of them; Lieutenant Young with 33 European troopers dismounted, got some of the worst horses to mount them. These were all the cavalry I had: the dismounted troopers of Captain Campbell's regiment were marched prisoners to Madras, and I have been informed, that the ameer enlisted them all into his own body guard the next morning.

The 26th August the army, consisting of his Majesty's 73d regiment, the 2d battalion of the 1st regiment, the grenadier company of the 2d battalion 2d regiment, with 5 battalions of sepoys, and a company of marksmen, the two troops of cavalry, with a large train of artillery, amounting in all to 5209 men, including officers, (as the corps were not complete) marched from the Mount to Podepire, 11 miles—27th to Tripamadore, 8 miles—28th to Mootaimaicks Choultry, 8 miles—29th to camp near Conjeveram, 11½ miles.

During these four days nothing very particular happened; the enemy's horse followed us in great numbers, and wounded and took a few men. The night

night we were at Tripamadore the weather changed, and rained most violently; this sort of weather continued till our arrival at Conjeveram, by which the roads became very bad, and the country was all under water. I was now obliged to deliver to the troops the four days rice that I had brought with me. the nabob had sent a person from the Durbar, who I understood was to attend and assist me till I met with Niliph Cawn at Arcot; I sent for him, and told him he must immediately get provisions for the army, and Lieutenant Colonel Baillie's detachment, that I expected the next day; and I also desired he would use his utmost endeavours to get intelligence of the enemy's motions. His answer was, that he was ordered by the nabob to attend me, but had no power given him to procure me either provisions or intelligence. I had now no hopes of provisions but from the paddy that might be found in and about Conjeveram, which I ordered the cutwall to collect, and gave him guards of sepoy to assist him in bringing it to the Pagoda.

30th. The army remained on the same ground, expecting Lieutenant Colonel Baillie's detachment, which was to have joined this day.—The rains still continued with great violence.

31st. We were this day informed by two deserters, that Hyder had left Arcot, and was crossing all his army over the Parlar, and marching towards us. His cavalry were in large bodies all round us. The rains still continued both night and day. I received accounts from Lieutenant Colonel Baillie, that his detachment was stopped about five miles north of Tre, affore, by a small river, that was so deep that he could not pass it.

Having information that Hyder had got possession of a mud fort at Mussal-pauk, about six miles in our front on the left, where he had some horse and infantry, and some rocket bays near it, a detachment of two battalions of sepoy, the company of marksmen, and a grenadier company, with scaling ladders, marched at seven this evening to surprise them, under the command of Lieutenant Colonel Harper; but the man who undertook to shew the road, missed his way in the night, and after marching all night, the detachment returned in the morning, without having effected any thing.

Sept. 1. The ground was so covered with water, that I was obliged to change my camp nearer to Conjeveram.

2d and 3d. We remained on the same ground, but the rains still continued most violently. This day I received a note from Captain Prendergast, that Hyder quitted his ground before Arcot on the 29th of August.—The enemy were encamped at Ball Chitty's Choultry, about five miles in our front.—I was obliged to give paddy to the battalion, to beat it out into rice themselves, as the quantity beat out by the followers of the army, was not sufficient for more than one day's consumption for all the troops.

Sept. 4. This evening it rained extremely hard.—Lieutenant Croker, with the 17th battalion, marched and attacked an advanced post of the enemy in a tope in our front; he returned to camp in the morning, having killed several of the enemy, and brought back two horse.

5th. The troops remained in the same encampment. I received a note from Lieutenant Colonel Baillie, informing me that he had crossed the river the 3d.—The rains still continued very violent.

6th. The enemy moved their camp this day to the North East.—We struck our tents, and marched to a high ground, about two miles on the road

to Trepaffore, where we encamped.—The enemy's camp was about two miles to our left.—They had sent forward a very large detachment, which attacked Lieutenant Colonel Baillie at Peerambaicum, who repulsed them.—It rained most violently this day.

7th and 8th. I received a note from Lieutenant Colonel Baillie, informing me, that on a review after the action with Hyder's detachment, he found it was not in his power to join me, but hoped to see me at Peerambaicum.—I found myself now in a very critical situation.—The only hopes of provisions were from the paddy I had collected in the Pagoda.—The enemy was encamped within two miles of me.—Had I marched with my whole force, he most certainly would have possessed himself of my ground, and of Conjeveram, and thereby cut me off of all my provisions.—In this case we must have been starved; I therefore, with the concurrence of the principal officers of the army with me, resolved to send a strong detachment to Lieutenant Colonel Baillie, who was still at Peerambaicum, 14 miles from me, on the Trepaffore road, and to remain with the rest of the troops to watch the enemy's motions. At nine o'clock at night, Lieutenant Colonel Fletcher marched with the grenadier and light infantry companies of the 73d Regiment, two companies of European grenadiers, one company of sepoy misketeers, and some companies of sepoy grenadiers. It was my intention that this detachment should have taken with them four six pounders; but Lieutenant Colonel Fletcher observed, that he should be better able to cross the country with out them.—The men left their knapsacks, and I sent with them two days' provisions, ammunition on nine camel, and biscuit and arrack in pots, and coolies to carry.—I flattered myself so strong a detachment, when joined to Lieutenant Colonel Baillie's corps, would enable him to join me; and I desired Lieutenant Colonel Fletcher to tell him to begin his march in the evening of the 9th of September, and march all night towards me; but if any thing happened that he thought might impede his march, I then desired he would move with the detachment to Irapadamour, which was 20 miles in my rear, and inform me of it.

Sept. 9. Our army and the enemy remained on the same ground. This evening the tents were struck, and we lay on our arms all night. About twelve o'clock we heard some cannon and musquetry, which soon ceased, and every thing remained quiet.

Sept. 10. A little before day-light, we heard a very heavy firing of cannon and musquetry, at a distance. The company's army, understood, had moved: I also, at day light, marched by my right, on towards where we heard the firing. When we had marched about four miles, I ordered three guns to be fired, as signs of our approach; and observing the smoke of the guns to be to our left, we moved in a direct line towards them. After marching about a mile and half more, I repeated the signals but had no return. We saw a great smoke, and of a sudden all the firing ceased. We continued our march to the right, towards the Trepaffore road again, expecting to meet Lieutenant Colonel Baillie, not doubting but that he had repulsed the enemy. After marching about two miles, we met one of our own sepoys, wounded, who told us, that Colonel Baillie had been attacked, and entirely defeated. Though I could not depend on this information, yet not meeting the detachment, and the firing having totally ceased, gave me too much reason to suspect

pest some disaster. The security of the army determined me, therefore, to return to Conjeveram, where we arrived about six in the evening. Several other wounded sepoys came in this night, who confirmed the defeat of the detachment. The reports of the sepoys differed so much as to particulars, that no credit could be given them; in one circumstance only they seemed all to agree, which was, that either two or three tumbrils blew up, and that then the horse broke in upon the detachment. This is all the information I got of this most unhappy disaster.

I found there was barely one day's rice for the troops; and I considered, that if I remained at Conjeveram, I should be surrounded with all Hader's cavalry, so that I should be every day more distressed for paddy and sheep, and the horses and bullocks must have starved; nor had I any hopes of relief. I resolved therefore to fall back to Chingleput, where I hoped to find provisions; I ordered all the baggage out of the Pagoda, which was not in a state of defence, and threw the heavy guns and stores, that could not be moved, into the great tank.

Sept. 11. At three in the morning, we left Conjeveram; we marched all day. Our flanks and rear were continually harassed with not less than 6000 of the enemy's horse, who wounded several men, and cut off several carts of baggage. A deep nullia near Saeveram retarded our march much; and the followers of the army, with the baggage, pressed so close on the line in this narrow pass, that many of the coolies threw down their loads, and left them off the ground. We arrived at eleven at night at a river, within a mile and a half of Chingleput, so deep, that the rear of our army did not pass it till nine o'clock next morning.

Sept. 12. I was much disappointed on being informed, by Lieutenant Mackay, who commands at Chingleput, that I could not get any provisions for the troops, and that the nabob's haykildars had all run away from the country. After every endeavour, we could only get paddy sufficient for one day's rice, and some sheep for the Europeans. Colonel Cosby joined us here, with his detachment from the fort, and, consisting of ten companies of sepoy grenadiers, three battalion companies of sepoys, two regiments of his highness the nabob's cavalry, with six of his light infantry companies, and two three pounders. Had we had provisions, I could have remained at Chingleput with this reinforcement, till I had heard from Madras; but necessity obliged us to make another forced march to St. Thomas's Mount.

Sept. 13. We left all our sick and some of the baggage at Chingleput, and began our march at six in the evening, and arrived at the Mount on the 14th, about two o'clock in the afternoon: the troops were quartered in the barracks and houses; and the 15th the army marched to Marmelon, where they are now encamped.

I have now, gentlemen, in plain terms, informed you of every particular relative to the army, that I can recollect worthy your observation; and give me leave to assure you, that in the short time we have been from Madras, I have had more difficulties to encounter than ever I experienced since I have been a soldier. I imagine it will appear, that the unexpected as well as uncommon quantity of rain, that fell from the 26th of August to the 6th September, has been the cause of our misfortune, by swelling a small river to as

to prevent Lieutenant Colonel Bailie's detachment from passing, from the

27th of August to the 3d of September; and what still adds to the distress, I understand it is a river that has scarce ever been known to be impassable for any length of time. Had Lieutenant Colonel Baillie joined us the 29th of August at Conjeveram (which nothing but the rains could prevent) I should have had it in my power to have attacked Hyder's camp at Ball Chitry, before his whole force had been collected. His situation favoured the attempt, being encamped in a wood, which would have given our infantry the advantage over his numerous cavalry; I should also have had provisions sufficient to have served the army to Arcot, where we expected an ample supply; but the necessity I was under of remaining at Conjeveram, deprived me of these advantages. The quantity of paddy I had collected in the Pagoda was our only support, and had I quitted Conjeveram, the enemy would immediately have occupied it, and we must have starved. In the unfortunate affair of the 10th, as I am certain Lieutenant Colonel Baillie, his officers, and the whole detachment, would exert themselves to the utmost, I am of opinion that the blowing up of the tumbrils was the ruin of the detachment, the number of lives that must have been lost by the explosion, the confusion it must have created in the ranks, and the want of ammunition, might have been the cause of the defeat of a much larger body, and I fear it was at this moment of their distress that Hyder's multitude of cavalry fell on them. The want of intelligence was a circumstance in which I was much distressed: I found myself in a country ravaged with fire and sword, and so surrounded with horse, that hircarras could with difficulty go out or return to camp without being wounded by them. The inhabitants mostly fled, and the few that remained, seemed more in the interest of the enemy than of their proper master. It was to Captain Pringle, who is captain of the guides, that I was obliged in this particular, whose unwearied diligence provided me all the intelligence I did receive.

Great as the misfortune is in the loss of so large a detachment, I hope we have still resources to bring a strong army to the field; but in particular give me leave to fix your attention to cavalry: The oppression of the artillery and infantry for want of horse is too great; the numbers of detachments obliged to be sent out for provisions harasses the troops severely; whereas, a certain number of regular cavalry would cover your troops on all marches, provide escorts for convoys, keep your camp quiet by patrols, and give relief to the artillery and infantry, so as to enable them to act with full force when actual service require their exertion.—I beg this letter may make a number in the first packet to Europe.

I have the honour to be,

Honourable Sir, and Sirs,

Your most obedient servant,

HECTOR MUNRO.

Your committee think it proper to refer the house to the appendix No. 9. for other letters relative to these events; and they have there put a letter from the select committee to the court of directors, dated the 15th October 1780, and together with it, the correspondence between the general and the governor in letters which appear to have not been laid before the board; and also

also the general's correspondence with Colonels Cosby and Baillie, and the instructions which he gave to them and to Colonel Fletcher.

There will also be found annexed, a return of the detachment under Colonel Baillie, a return of the troops at the Mount on the 26th August, and of the ordnance, ammunition, and stores, issued from 26th August to 15th September, and a state of the troops which now, since the retreat from Conjeveera, were encamped on the Madras side of the Marmelon river; to which is added, the minutes of the general respecting Colonel Baillie's loss, and some official letters to the secretary at war, and enclosures, which he transmitted to Europe.

And your committee have also here subjoined to those papers which were produced or sent by Sir Hector Munro, a letter from Lord Macleod to the secretary at war, and some letters from Sir Edward Hughes, and also from other officers who have given any accounts of these events.

And as it appears, that the first step taken by the select committee after receiving information of this misfortune, was to transmit an account of it to Bengal, your committee have thought proper to place also in this number of the appendix, the consultations of that select board, on 13th September, and the resolutions formed in consequence of them, and their letter of the 14th to the governor general and council thereupon, that the house may have before them in one view, all the circumstances leading to and immediately consequential upon the defeat, which your committee have been able to collect.

It appears, that to the necessity of assistance in money, for which this presidency had before, as has been seen, applied to that of Bengal, was now superadded an urgent demand for a reinforcement of troops; which, they say, the bare recital of their loss would make evident, "especially as it had been with the utmost difficulty, that they could before draught a sufficient number of troops from their garrisons to meet the enemy in the field."

And your committee find, that this was enforced by a letter from Sir Edward Hughes of the same date; who, after representing the imminent danger of the presidency of Madras, entreats the governor general and council to lay aside all plans against the Marattas, and unite in opposing Hyder and the French, who are certainly acting in concert.

And your committee find, by the general letter from Fort Saint George to the court of directors, dated 15th October, that immediately upon the irruption of Hyder Ally in July, advertisements had been issued for receiving loans upon companies's bonds; and that the supply raised by this means proving very inadequate, and having no other immediate resource, they observe, that they had been obliged, in this exigency, to act contrary to orders, and to draw out on them to an amount exceeding £. 200,000.

And your committee find, that the nabob required by letter of 19th September, to return an exact and positive answer to some questions put to him in regard to the contributions which he depended on from him; and an assignment of territory was insisted upon, for all money which had been or should be advanced for the payment of his troops.

And your committee find, that the answer of the nabob to the governor, dated the 1st October, contained an account of his great distress, and of his inability to assist, as he could wish, in furnishing supplies;—that he had of-

ten given warning of the enemy's intentions to invade the Carnatic, and was not then called upon to provide those necessaries, which he had declared it would be very difficult to procure when the enemy should have entered his country.—That now, when they had been two months in the Carnatic, he received a letter from the governor, requesting a supply of bullocks, sheep, and rice; that, however, he would endeavour to procure them all, in as great number and quantity as he could,—and that he would exert himself to complete four regiments of cavalry, which should be put under the directions of the commander in chief during the war.—That he would content to make assignments of territory, for the sums which should be advanced by the company to pay his troops.

It appears, that on the 6th of October, two members of the select committee complained, that an alteration had been made in this letter since they had seen it on the 2d.—Your committee have not discovered what this alteration was; but it appears, that the nabob, in several subsequent letters, repeated his consent to appropriate the revenues of Tinneville, Ramnaut, Shevagunga, and Trichinopoly, for money advanced to pay the arrears due to his troops, and for their future payment; and that on the 30th of October, it was resolved by the select committee, to discharge those arrears, and to regulate the assignments in the manner then proposed by the president.

And your committee find, that the select board now judged it to be a necessary measure to strengthen the fort of Tanjore; and it was proposed to send a detachment of troops, who should not be Tanjoreans, to reinforce the garrison. And Colonel Braithwaite, who had on the 15th September been appointed to the command of that place, suggested on the 23d of the same month, that a body of horse should be raised in that country, where there formerly was some good cavalry, which, having been since neglected, had deserted to Hyder.

And your committee find, That letters were afterwards wrote to the raja, to desire his assistance for that purpose, and to put his Sebundy Corps under the direction of the commander at Tanjore; and also to request from him a constant supply of provisions, affording him at the same time of protection: And it appears, that the raja returned a very favourable answer to these applications.

It appears, That the giving up the Guntur Circar, which had been so long delayed, was now resolved upon; and that the select committee, on the 14th September, wrote to Lieutenant Douglas, who commanded in that district; enclosing an order from the nabob to his managers, to withdraw from all further concern in that country. Lieutenant Douglas was also directed to write to Bazalier Judge, and inform him of this intention, that he might take charge of the Circar till he should receive instructions from his master about it. The company's sepoy were to be collected together from different parts of the district, and to march immediately to Ongole, and to proceed from thence with all possible expedition to the presidency.

Your committee have thought proper to put in the Appendix, No. 11, a letter from the governor to Bazalier Judge on this subject, which appears to have been wrote on the 23d September, in consequence of a motion made in the select committee by Mr. Johnston; and in the same Appendix will be found a letter from the nabob on the same subject, dated 16th September, wherein

wherein also he desired to be authorized to negotiate a treaty with the Nizam.

And it appears, that the select committee came to a resolution on the 23d September that the governor should write a letter to that prince, acquainting him with their having ordered the Guntoor Circar to be restored. "This letter appears to have been sent on the 25th, and states, that as his highness had induced the presidency of Bengal to interfere for attaining that object, and they lament the long disappointment they had found, to their hopes of being able to pay him their arrears of the Peshush due for the other Circars; but desire him to believe their assurances, that they will neglect no opportunity for the future of making good the balances; and they conclude with expressing a confident hope, "that his highness would act according to the dictates subsisting between him and the company, and endeavour to the utmost of his power to check the designs of their enemies."

And your committee find, that it was resolved, on the 13th September, by the select committee, to withdraw the greatest part of the troops from the other Circars, and to leave garrisons only in Ganjam, Mazulipatam, and Vizagapatam, the works of which were ordered to be strengthened as much as possible; and that Instructions were sent to that effect, on the 14th and 16th September, to the chiefs and council of those places; and at the same time they were directed to pack up their treasure, and put it on board the Nymph sloop of war, which Sir Edward Hughes had agreed to dispatch with the packet to Bengal, and permitted it to touch at those places on her return.

And your committee find, that Lieutenant Douglas, in obedience to his instructions, delivered up the Guntoor to Bazzel Jung's manager; but was obliged to inform the select committee, by a letter dated the 24th September, that the sepoys would desert, if ordered to march to the southward. And it appears that he was thereupon directed by letter of 4th October, to leave them at Ongole; and that the four companies of the 7th Carnatic battalion should be sent from thence to the presidency, according to his advice in a letter dated the 1st October.

And your committee find, that a difficulty of a similar nature, in another Circar, was not so happily concluded; for upon an attempt to embark the sepoys for the presidency at Mazulipatam and Vizagapatam, they mutinied; and though at the first of these places order was restored by the address of General Stewart, at the other they proceeded to acts of the most extreme outrage, killed some of their officers, "and a complete plunder of the place ensued, whereby the property of every individual, as well as that of the company had suffered effectually."—It appeared that the mutineers then went off, accompanied by five companies of the 11th Circar battalion, which happened to be in garrison there; and that there were great apprehensions that the sepoys in the Crenole Circar would follow their example; and also, that the zemindars would avail themselves of that opportunity to throw off their allegiance; that Sittaram Rauze was not yet arrived at Vizagapatam, and that he kept away in a manner that had the appearance of procrastinated delay; that on all these accounts there was much anxiety about the fate of that settlement.

And it appears by further accounts, that Vizram Rauze, the brother of Sittaram Rauze, had wrote letters to the zemindars to assist in suppressing the mutiny;

mutiny; but your committee find, by a letter dated the 10th October, that the insurgents had laid down their arms and part of their plunder, and had dispersed.

And your committee find, that Sir Hector Munro, who had asked and obtained leave to come to the presidency after he had encamped the remains of his army on the banks of the Marmelon, having again resumed his seat in the committee, proposed and recommended there, on the 22d September, a mode, by which he hoped that the late misfortunes would be repaired, and the army strengthened as soon as possible, so as to enable them to oppose the enemy. After explaining his plan for the strengthening the principal garrisons; for raising sepoy recruits to complete their battalions; for encreasing their monthly pay to engage them in the service, and perhaps also to tempt them to quit that of the enemy; in short, for the general regulation and distribution of the forces, he urged the necessity of putting these measures into immediate execution; and then concludes in these words: "It is in peace we should prepare for war. After the siege of Pondicherry, I had the honour of addressing the select committee by letter, wherein I stated the defects in their garrisons and stores, and pointed out the necessity of putting them in such a state as to be ready on any emergency; and I frequently recommended that the troops should always be ready for the field. I am sorry to say that any observations of mine had not the effect I could have wished. I shall say no more on what is past; it is our business now to use every endeavour for the public good. We should have one voice, and one hand; and if the ruling power is steady and determined in its resolutions, the executive part must and will be properly attended to; nor can you make yourselves more formidable to your enemy, than by unanimity in your council."

And your committee find, that frequent considerations being now had of devising the most proper and effectual means for security and resistance against the successful enemy, several propositions were laid before the select committee, and several resolutions taken upon them; the most material of which will be found in an Appendix, No. 13. And as the heavy loss sustained by the defeat of Colonel Baillie, made it most immediately obvious that the first necessary expedient was to endeavour to recruit the shattered battalions, orders appear to have been dispatched by the select board to different stations for that purpose; but as almost every district was now over-run by the enemy's troops, and communication thereby with the country greatly cut off, the means of gaining recruits were of course much streightened; it was found necessary to apply to the nabob for leave to draft his Sibbendy corps, and also to order that recruiting money should be encreased to one pagoda. And as intimations were made to the select board, that the Europeans in Hyder's service were disposed to desert from it, they appear to have commissioned their officers to hold out such encouragement as might be likely to induce those men to enter into the company's regiments. The chief engineer gave in a plan of measures necessary to be adopted for the defence of the Black Town and fort; and it was particularly resolved, on 25th September, to lay up six months store of every kind of provision within the fort, as soon as possible; and the president was desired to take the necessary steps accordingly. The commander of the artillery proposed, by letter of 24th September, an augmentation of that corps, which was agreed to be referred to the court of directors; ammunition

and stores were ordered to those places which were found to want them; and Arcot was reinforced by fifty Europeans from Vellore, so that the garrison consisted, on the 26th September, of about 150 Europeans, besides two companies of sepoys commanded by the company's officers, and about 7000 armed people; but the nabob, still anxious for the fate of his capital, of which Hyder had resumed the siege, continually solicited fresh succours, which could not be given to it.

It appears indeed to your committee, That much apprehension was at this time conceived for the situation of Madras itself, from the incomplete state of the fortifications, the weakness of the garrison, and the want of provisions: and Messrs. Smith and Johnson, in their minute of the 11th October, made these, as well as the probable designs of the French from the island, the grounds of their desire, that Sir Edward Hughes should be requested not to quit that coast, but to bring his fleet into the road, as soon as he could with safety.

But it appears to your committee, That the admiral attended the select committee on the 12th October; and after stating many urgent reasons, which made it incumbent upon him to proceed to Bombay, observed moreover, that he did not think it probable that the French attack would be directed first to the Coromandel coast; and that at all events, they were not to be expected during the ensuing monsoon, immediately after which, he should hope himself to return.

And it appears, That the committee then came to a resolution, not to make any further request to Sir Edward, to alter his determination of proceeding to Bombay.

And it appears, That the committee took the opportunity of sending a packet by him to that presidency; in which they gave a relation of the defeat of their troops under Colonel Baillie, and remarked, with regret, the inconvenience they suffered from the absence of those troops, which they had detached to Bombay, to their assistance, and that they wished to have them returned to their coast by the first opportunity.

It appears, That the select committee having received advice from Tellicherry, that it was closely besieged by the Nairs, assisted with the force of Hyder Ally, wrote to the chief and council, and to the commandant of that place, instructing them, that as they conceived it not possible, without powerful support, to keep possession of it for any length of time, and as the situation of affairs rendered it necessary that the troops should return to the presidency with all possible expedition, they should abandon the settlement, and that Sir Edward Hughes would assist in bringing off the troops, stores, and effects, and would transport them to Anjengo.

And it appears to your committee, That a letter was written on the same day, to Sir Edward Hughes, in which the committee requested him to execute that service.

And your committee find, that at this time a general letter having been made up, and dispatched by the Nymph sloop of war, Messrs. Smith and Johnson delivered in a minute, October 19th, expressive of their disapprobation of the contents, as being a partial and unfair account of the transactions and events which it was meant to communicate to the court of directors; and they point out several circumstances, which were omitted or misrepresented—they observed, “ That they might relate what had happened in the most favourable manner

manner their records would allow, but on no account to deviate from them; remarking, that by them, and not by partial representations, their conduct would be judged; and that they therefore totally disapproved of every part of the letter, which could not be corroborated by the minutes of the committee."

It appears, That another joint minute had been delivered in by the same gentlemen, on the 14th instant, which they thought necessary, to make the record of their sentiments on the mode in which business was conducted in the committee, that it might be seen how far any responsibility could be required of them in particular, who formed a part of the government, that they would therefore point out the ling influence which that institution had thrown into the hands of the governor, and consequently, how much he was responsible for all measures that came before it.

They particularly remark his power of presenting or suppressing all official information, and observe, "That they had reason to think the late president expected before his departure, that the company's possessions on the coast would be invaded by Hyder;—that they likewise had reason to think that he knew magazines were collecting on the frontiers of the Carnatic, at Bangalore, &c. and that they had been informed that Mr. Grey wrote several letters to him on that subject (although only one appeared on record;) but this information was never communicated to the committee."

They then refer to several of their minutes, which contained intelligence of Hyder's designs, and their advice to prepare to oppose him; and assert their opinion, that if those measures had been attended to, it was probable that the enemy would not have invaded the Carnatic, or that at all events the army would have been in readiness to have met him on his first appearance.—They condemn, in express terms, many steps taken by the majority of the committee, since his irruption; and state the conduct which they had themselves pursued—"They think it necessary, in conclusion, to desire that the court of directors, and the committee, would refer to the report of the late president, relative to Hyder's disposition and intentions, as entered in the minutes of the committee on 23d October 1779, and to the committee's unanimous opinion thereupon; and to Mr. Smith's minute 10th November, and to the committee's opinion in consequence thereof." In which your committee have also put a letter from the nabob to the court of directors, dated 17th October, 1780.

Such were the steps which appear to have been taken at Fort St. George, in consequence of the disaster, which had so weakened their power and resources, as to occasion a voluntary dereliction of some of their possessions, in order to be better enabled to preserve the rest.

Your committee will now take a view of the proceedings at Bengal, on their receiving information of the irruption of Hyder Ally into the Carnatic, and of the heavy loss which had happened afterwards to part of the Madras army.

It appears, by the consultations of that presidency of the 4th September, That though a motion was made to send a sum of money to Madras, adequate to the emergency of the occasion, provided they should not be able to furnish themselves by the method they were pursuing, of raising money upon the company's bonds; yet, on farther reflection, it was agreed to wait till more particular accounts of the necessity should be received, and a "further information

information had of the state of that presidency with relation to its disposition for repelling the actual or pretended invasion, whichever it might prove, and the other distinct services to which they might propose to apply the sums afforded them; and especially as two modes of remittance were already provided, which, though not ample, would prove a sufficient relief to their immediate wants."

The accounts which followed soon after of the defeat of Colonel Baillie, and of the alarming distress in which the British affairs on the coast of Coromandel were involved, by the successful progress of Hyder Aly, occasioned measures of more immediate relief to be proposed and adopted: It was resolved to send a supply of fifteen lacks of rupees, to transport to Madras immediately a considerable reinforcement of European troops, and that several battalions of sepoy should follow them at a proper season, and in the manner which should then be found most advisable; for the season was now too far advanced to prepare vessels to carry so large a body of men, provided, which could hardly be hoped, that the sepoy would submit to an embarkation, and get the better of their repugnance to a passage by sea.—The roads by land lay through a marshy country, and were yet impassable, and there were yet also to be removed the doubts of the design with which the Berar Army was stationed in the very line of the route which they must take.—Sir Eyre Coote was desired, and he agreed, to proceed himself immediately to the coast, and take the command of the army on that establishment. And it was urged, that "Though the danger impending on the company's interests in the Carnatic might be easily repelled, even with the force which it already possessed for its defence, yet, that no reliance could be placed upon it, unless it should be properly applied and conducted;—that it did not appear to have been properly applied, nor could be expected to be properly conducted, unless Sir Eyre Coote would at this crisis stand forth, and vindicate, in his own person, the rights and honour of the British arms."

Doubts also being then suggested, of the propriety of trusting so large a sum as fifteen lacks of rupees to the management of the gentlemen of Madras, from an apprehension that they would "not only misapply but waste it," a resolution was taken, that the treasure should be consigned to Sir Eyre Coote, and appropriated exclusively to answer military charges; "but that he should be authorized to advance any part of it on the requisition of the president and select committee of Fort St. George, should he agree in the expediency of doing so."

These particulars were communicated to the Madras board, in a letter from the governor general and council of 2d October; wherein, after expressing a most sensible concern at the fatal check which the company's arms had received, they declare, that they purposely forbear at present from making any observations on that event, or on the steps, which it taken, would, in their opinion have prevented it. They inform them also of having sent some salt provisions in case of a siege; and of the means taken to provide them with grain; of their having resolved to offer terms of peace to the Marattas, and of having written to Sir Edward Hughes, requesting him to direct, if possible, the operations of his Majesty's squadron, against the possessions and ships of Hyder, on the coast of Malabar.

In their letter to Sir Edward Hughes, which was also of the same date with that to Madras, they particularly remark to him, that they had resolved on a peace with the Marattas; "that it had been long their wish to see an early issue to their differences, and were happy to observe, that this wish seemed to accord with the sentiments strongly conveyed to them in his letter of the 14th ult."

To these resolutions the governor general and council added another, which they came to on the 10th October, of suspending Mr. Whitehill from his office of president and governor of Fort St. George, for several causes assigned in their secret consultations of that date.—They transmitted accounts of all these proceedings to the court of directors, in letters of the 13th and 17th October; in the latter of which they refer to a letter they wrote to Fort St. George on the 20th of January 1778, respecting the disposition of the troops on that establishment; and declare it to be their opinion, that, had that disposition been attended to, or the advice contained in that letter followed, the calamity which their forces lately suffered, and which was owing to a division of the troops at a moment of emergency, would not have happened.

It appears to your committee, that Sir Eyre Coote arrived at Madras on the 5th November, and that he took his seat as second in council on the 7th; when the general letter from the Bengal presidency, containing their order and reasons for the suspension of Mr. Whitehill, was read; and also a minute of Mr. Whitehill's, in which he disclaims and protests against the authority of the supreme council to deprive him of his office of president and governor of Fort St. George, and holds every member of administration, who should submit to it on the present occasion, to be answerable to the East-India company for the subversion of the government, and to him, for any loss he may sustain in his person or liberty.

And it appears in the consultations of the 8th November, that Mr. Whitehill was held to be suspended by a majority of the council; and that Mr. Smith, as next to the chair, succeeded to the government.

And your committee find, that the president and select committee informed the court of directors, by letter dated the 29th November, of the assistance which Sir Eyre Coote had brought to their presidency in money and troops, and that a large reinforcement of sepoys was expected to march from Bengal to join their troops, as soon as the weather would permit; but its arrival at Madras could not be looked for earlier than March; even on a supposition that the detachment should not be opposed on its march, either by the troops of Muddajee Boolla, the raja of Berar, or by those of the Nizam, which it was impossible to say it might not, although neither of those powers had yet broke with the company.

It appears to your committee also by this dispatch, that the Pettah of Arcot, having been carried by assault on the 31st October, after a siege of six weeks, the fort surrendered to Hyder Ally, by capitulation, on the 3d of November; and that this loss was considered to be of great importance, as there were lodged in it a very large quantity of stores of all kinds, and as it was extensive enough to afford protection and accommodation for the whole army of the enemy.

It appears also, that Hyder's cavalry having over-run and laid waste the whole country, the chief supply of provisions, and draught and carriage bullocks,

locks, for the British army, was thus cut off. No money could be obtained from the nabob, or from the raja of Tanjore. The revenues of the nabob, indeed, had suffered much from the incursion of the enemy, and the desolation of his territories; but the raja of Tanjore had not yet had a grain of his country touched. And, "thus," say they, "from our past disappointments and present prospects, we can place but little dependance on any other resource than that of Bengal for carrying on the war; and as to the expenses of the civil department, we have very slender hope of procuring sufficient to answer them from any quarter."

And your committee find, that Sir Eyre Coote, in letters to the court of directors, to one of his Majesty's principal secretaries of state, and to the secretary at war, exhibits a very striking and melancholy picture of the situation of affairs on his arrival at Madras; where he found their present state to be indeed more distressed and sunk than he even could have had any idea of, and the prospect of alteration appeared hardly less discouraging. He professes to avoid a minute disquisition of the persons or causes to which these misfortunes might be attributed; "but he should hope that both would be brought forward to public view; and that the nation might thereby have an opportunity of redressing itself of those who had wantonly injured its honour and interests." He observes, that, regardless of the jealousy which must have been expected in every native power, from our having driven out our only European competitor from that quarter of the world, the government of Madras had contrived, by an inexcusable effort of bad policy, to stimulate that jealousy into avowed resentment—that this was strongly instanced by their conduct in regard to Hyder, who, incensed at their refusal to assist him against the Marattas, as by treaty they were virtually bound to do, had since received other provocations from them to rush into open hostility; and though well-informed and aware of his intentions against the Carnatic, they had chosen not only themselves to discredit them, but to dissuade the belief of others; they had made no opposition to his entry into the province, nor taken the smallest precautions for their own security—that moreover, this inactivity had still continued; and what ought to have been their first care, lay as much neglected as if no enemy had been near. That the troops were dispirited, the sepoy's deserting, the country desolated, the inhabitants treacherous, all communications were cut off, their provisions were consumed, and their resources exhausted. The Nabob, so far from being able to give assistance in this exigency, had neither men, money, or influence, and looked up to the company for the support of his interests and credit—that Arcot had fallen into Hyder's hands; an event which, whilst it gave him almost every thing he could wish, produced effects the most embarrassing to the company's affairs, and to the conduct of the war on their part; that other forts and garrisons had surrendered without resistance, and their commanders were thereby to be suspected of treachery; but that so shameful had been the neglect of every necessary for their defence, that they were furnished with an excuse for so readily giving them up—even the necessary arrangements for the security of Fort St. George, the very foundation of our existence on that coast, had not been made; no pains had been taken to repair the shattered condition of the very small army that remained for their defence; the field artillery requisite for a campaign, was so far from being

in readiness, that the carriages were then making up; that it was true, but surprising to see, that Pondicherry was, when evacuated, left not only in a condition useless to the French, in case of their landing on that coast, but open and convenient for their reception—nothing but the fortifications destroyed, the French inhabitants left in ample possession of their houses; and in consequence they had risen in arms, robbed the resident, and raised two or three battalions of sepoy, which they called Hyder's, but which were evidently French. Large quantities of provisions were laying up at Carongolly, in the neighbourhood of Pondicherry, which being on the sea-coast, could be intended only for the French on their arrival. To such disadvantages, arising from these misfortunes, and this misconduct on their part, was to be added, the increase of superiority to the enemy, by his good policy, as well as the strength and success of his arms; for, that Hyder had taken every measure which could occur to the most experienced general, to distress us, and to render himself formidable; and “that his conduct in his civil capacity had been supported by a degree of political address, unequalled by any power that had yet appeared in Hindostan.”

That the smallness of the British force, and of their resources, compared to those of Hyder, augmented the difficulties of future contest with him—that his army, on the most moderate computation, “amounted to not less than 70,000 infantry (common report makes them 100,000) of which there are 20,000 in regular battalions, 400 Europeans under the command of a Mr. Lally, 100 pieces of cannon of different Calibres, which are worked by Europeans, in number 300, and black artillery disciplined by us, and formerly in the service of the Nabob Mahomed Ally, and at the siege of Arcot were so well served, as repeatedly to have dismounted our guns upon the batteries; his approaches, on that occasion, were as well carried on as if conducted by the most skilful engineers. He has got 30,000 cavalry, of which 2500 are Abyssinean horse, which constantly attend his person; 10,000 Carnatic horse, well trained, half, of which, we are well informed, are composed of those regiments which were disbanded from and deserted the service of the nabob within these last four years, and which were all disciplined by English officers; the rest of his cavalry are the common horse of the country, under different chiefs.”—That to secure a supply of provisions for so numerous an army, he had, besides other resources, 30,000 bullocks, which were constantly employed in that service.

Sir Eyre Coote then states the force under his own immediate command; which, not exceeding 7,000 men in all, of whom only 1,700 were Europeans, was totally unequal to the undertaking of an attack upon Hyder, in his strong posts; but that he was taking every step, and making every necessary arrangement, as well for encouraging the sepoy, repairing the shattered condition of the army, and for the security of our remaining possessions, as for facilitating his operations against the enemy; and had written to the presidency of Bombay, to Sir Edward Hughes, and to General Goddard, to unite in distressing Hyder's possessions on the Malabar coast, and to be particularly assiduous in promoting peace with the Marattas.

It appears also, that in these dispatches Sir Eyre Coote encloses two translates of treaties, which, as he was informed, had been really entered into; the one between the French and Hyder, and the other between the prince and the Marattas.

Your committee having thus completed the narrative of all transactions antecedent to the invasion of Hyder, including the accounts brought by the late dispatches, it appears to them to be now properly the next step of their enquiry, to learn what symptoms of discontent, or what indications of enmity, were discovered in Hyder Ally, at any time before his irruption into the Carnatic, in order that the House may be enabled to judge of the degree of warning which the company's servants received of his hostile intentions.

And your committee having found it suggested in several of the late dispatches, wherein any remarks on the causes of the present invasion are made, that he had constantly manifested a spirit of resentment against the English, since the time when the presidency of Fort St. George refused to send assistance or troops to co-operate with him against the Marattas, which he demanded in virtue of the treaty concluded 3d April 1769, between the presidency and

Your committee were led to examine that treaty; a copy of which, with the observations annexed, will be found in the appendix, No. 19; and they desire to direct the attention of the House to the second article of it, wherein it is stipulated, "That in case either of the contracting parties shall be attacked, they shall, from their respective countries, mutually assist each other to drive the enemy out."

Your committee will not here make any political remarks upon this, or any other article of the treaty in question, as such will be more properly introduced in a future part of these reports; they mean at present to confine themselves to the fact of Hyder's demanding assistance of the presidency of Fort St. George, and of any tokens of displeasure or resentment, in consequence of the delay, or refusal, to gratify him.

And it appears to your committee, That on the 29th of May following the conclusion of this treaty, Hyder wrote to the governor of Madras, and after proposing to unite Jenagee Bonasila with them in a new treaty, which should be made for that purpose, he signified his design of recovering some places which had been for two years in the hands of Maudhorow, and desired, "that (consistent with the friendship and regard subsisting between them, and the good appearance thereof in the eyes of the world) he would send to his assistance, for firm sake, an officer with a battalion of sepoys."

And your committee find, that the governor, in his answer, dated 16th June, excused himself from sending the troops for the purpose required, as such a step would amount to a declaration of war against the Marattas for which the company had no just ground; and he therefore hoped, that Hyder would decline asking of it.—He at the same time represented to him, that it would be improper for him to conclude any treaty, without consulting the other presidencies.

And your committee find, by a minute of the president's of the 24th July, that he supposed it to be the intention of Hyder to draw the presidency into a war with the Marattas. And a letter from Hyder to his vakeel, of the 1st of July, makes it appear, that he had requested the battalion of sepoys from the presidency, thereby to make a trial of their intentions, whether they would assist him with their troops according to agreement, in case the Marattas began a war.

And your committee find, by a letter from Hyder to the governor of Fort St. George, dated 7th March 1770, that the Marattas had entered his

his territories, and had taken several forts—And he again desires assistance in these words: “In consideration of the union between us, the army and artillery, which are with me, are your own; notwithstanding, out of regard to the firm agreement mentioned in the treaty between us, if the company be but pleased to send but a small force to join and act in concert with me to save the good appearance, and to be talked of by the people, it will be very proper.”

And your committee find, by a letter dated 21st March, from Messrs. Church and Sibbald to the president and council, who were then in Hyder's camp, that he had desired them to inform the governor and council, that there was a strict friendship between them, which he should, on his part, punctually maintain, he expected to be assisted with a body of troops, and that he was even willing to engage to give the company three lacs of rupees, through the hopes of their assistance.—And these gentlemen remark, that they much feared his former coolness would return again, if they did not comply.

And your committee find, that the Madras board continually evaded compliance with these demands, under various pretences, and particularly on the ground of expecting the commissioners, who had been then appointed to come into India with a general superintending power.—The maxim of delay appears to your committee to have been resolved on by the presidency of Fort St. George; and that the instructions from home confirmed them in adhering to those resolutions, though the Marattas in the mean time gained great advantages over Hyder, and he became proportionably more earnest in his representations of the necessity which impelled him to require the aid stipulated by the treaty.

And your committee find, by the select consultation of the 29th of November 1771, wherein the president states the situation of the Marattas and Hyder Ally, that the former seemed determined to destroy Hyder, and annex his dominions to their present possessions; and that as he was unable to oppose them in the field, he could have nothing to depend upon, but the provisions laid up in his principal forts, which must of course be greatly exhausted.—And on the same consultation will be found the difficulties started by the president, in regard to the conduct which the presidency should hold between the contending parties, and particularly from their not having received positive instructions from the court of directors. It appears, however, that they at last determined not to make any declaration in favour of either side.

And your committee find, that on the 23d of January 1772, it was resolved by the governor and council, to inform Hyder Ally, in answer to a letter from him, setting forth the advantages of joining him against the Marattas, that the orders received from the company prevented their sending their troops out of the Carnatic to the assistance of any one.

And your committee find, by a letter from Hyder Ally to the Governor of Fort St. George, dated the 9th of July 1772, that he had concluded a peace with the Marattas, of which he advised them, in conformity to the friendship subsisting between them.

And your committee find, by several records, that the nabob, Mahomed Ally, frequently pressed the governor and council to enter into alliance with the Marattas against Hyder Ally; and it appears, that his Majesty's ministers plenipotentiaries in those parts, openly concurred in recommending nego-

sations for that purpose; but your committee do not find, that in effect the government of Fort St. George did conclude any such engagements with them.

And your committee find, by a letter from the governor and council of Madras, the 8th of December 1774, to the governor general and council of Bengal, that Hyder had taken the opportunity, while the attention of the Marattas had been engaged by their distractions at home, to recover the whole of the countries which they had within a few years past wrested from him. And that it was evident, that by means of the French he was plentifully supplied with military stores; and that adventurers of that nation were allowed, if not encouraged, to enter into his service.

And it appears also by the same letter, that a correspondence had for some time been carried on between the nabob and Hyder Ally, but, "that from the jealousies which they entertained of each other, there appeared little probability of in hearty union ever taking place between them."

And your committee find, that frequent accounts were received of Hyder's attention to the augmentation and discipline of his troops, and that for so many years the uncertainty of his designs caused much consultation, and that suspicions were at sundry times, during the years 1775, 1776, and 1777, entertained of his hostile intentions against the company and the Carnatic, particularly by the nabob, who also expressed his apprehensions of the consequences of an alliance between the French and Hyder, in case of a war with the former power.

But it appears to your committee, that the ideas which the Madras presidency entertained of their state of connection with Hyder, or apprehensions from his increasing power, will be best explained by a reference to their letters, descriptive of the posture of affairs with respect to the country powers.— And it appears by a minute in the military consultations, on the posture of affairs with regard to the country powers, 21st April 1777, that Hyder, then engaged in war with the Marattas, was expected to apply to the French for assistance, that he had received military stores by the way of Mahé, and it was supposed that the people embarked on board the man of war that carried those stores, were intended for his service. the minute concludes thus "Should, however, the designs of Hyder prove unsuccessful against the Marattas, it is not improbable to suppose the French would deem it a favourable opportunity to afford him the assistance which we have reason to believe they have long premeditated against the Carnatic."

And your committee find, that the governor general and council, in their letter of the 17th September 1777, to the Madras council, desire to receive a return of the actual state of the troops under that presidency, and an account of the views and connections of the different country potentates, their strength and resources, together with their opinion of such a alliance as they would recommend to be formed in case of emergency.

And your committee find, that the governor and council of Fort St. George, returned an answer on the 16th of January 1778, and sent the return required; and took occasion to observe how much they depended on the nabob for money to pay their troops, and how necessary it would be to have always in the treasury a sufficient fund to answer the exigencies of war, but, that under the present system they might be unable, were the Carnatic, or the possessions of the company, suddenly invaded, to put their troops in the field, so

so as to employ them to any good purpose. With respect to the views and connections of the different powers, they observe, that the Marattas and Hyder Ally were engaged in war, and that on account of the late intestine divisions of the former, Hyder appeared now in a condition to resist them, with some prospect of success. They state the respective force of these opponents, and particularly the great power and revenues of Hyder; and they observe, that he kept up a constant correspondence with Monsieur Bellecombe, at Pondicherry, who endeavoured all in his power to engage him in the interest of the French. They give it as their opinion, that Hyder Ally might be made an useful ally to the company, but that they were afraid the nabob would never be brought to act cordially in such an alliance, as he had long entertained a rooted enmity towards Hyder, and had, on several occasions, manifested it in opposition to his own interests.

And your committee find, that a few days after the Madras board sent the account last related, the president received a letter, dated 5th January 1778, from Hyder, containing an account of a great victory obtained by him over the Marattas, who had penetrated into the Balaghaut, with an army of 50,000 men: and that he gives this account of his success to the governor, from his consideration of their alliance and friendship.

And your committee find, that on the 13th February 1778, Sir Thomas Rumbold, who arrived at Madras on the 8th, sends an answer of congratulation, and at the same time informs Hyder of his having succeeded to the charge of governor and president of Fort St. George; to which Hyder replied 24th March. And after some expressions of civility observes, that for a length of time the company and he had been allied by ties of friendship, and that he entertained no doubt of the new governor's confirming and strengthening them.

And your committee find, that the governor reported to the council held on the 4th July 1778, an account of a conversation which he had had with Hyder's vakeel, on the subject of some overtures for an alliance, which he was authorized by his master to propose; the principal articles of which were, that Hyder would assist in placing Ragonat Row in the Peshwalship; that he should be supplied by the Madras government with military stores, artillery, and fire arms, and with a body of troops, which he would pay for, either in specie or by grant of lands: and that a general declaration was at the same time made by his vakeel, that his wishes ever had been to cultivate a friendship with the English; that he had been deterred by causes which it was not necessary for him to point out, but that he was now ready to negotiate and to conclude a treaty of alliance and friendship.

It appears, that the governor then pointed out the advantages of an alliance with Hyder, whose vakeel had hinted at the disappointments which his master had hitherto met with, to his desire of cultivating that friendship, and he (the governor) attributed to that backwardness on the part of the English, that Hyder had been impelled to shew more attention to the French, than he otherwise would have done; and remarking upon the danger of his cementing a closer alliance with them, observed, "That it would be a circumstance of fatal tendency, and almost the only event which would endanger the Carnatic, and the safety of the British possessions on the coast."

On these accounts, he advised the measure of entering into a negotiation with Hyder, and to propose a meeting for that purpose with him, as the most eligible method of settling the treaty.

To these suggestions the board gave entire assent, and at the same time agreed to acquaint the supreme council of their proceedings.

Your committee find, that in consequence of the resolutions of the board, letters were written to Hyder, and a meeting proposed, with a view of more easily accomplishing an agreement upon proper terms; and that Hyder in his answer, dated 31st July, received 16th August, informed the governor, that "in truth, a sincere friendship had subsisted from the beginning between the company and him," and that he wishes to continue it; that he should consider of the proposals mentioned by his vakeel; but observed, that the great distance between them would prevent a meeting at present, which he should hope hereafter to effect; and promised to write, when the march of his army was fixed, upon the subject of a person of consequence being sent to his durbar.

It appears to your committee, that in the mean time, letters dated 25th June 1778, had been received from Bengal, which communicated accounts transmitted from Bombay, of Hyder's friendly intercourse with the French; and that the presidency of Bombay proposed sending a resident to his durbar to endeavour to counteract their schemes, on which the governor general and council observed, that they should make no objection, if the nabob Mahomed Ally, who had a personal animosity against Hyder, should consent to it.

It appears also, that the Madras council informed that of Bengal, by letter of 19th July, of the circumstances relative to the proposed alliance with Hyder, and expressed their opinion of the importance of securing his friendship, as they were on the eve of a war with France: but at the same time doubted of success in completing a desirable treaty, as the former government had formerly refused his importunities to form engagements of mutual assistance when he wanted support, which he, on our refusal, had applied for and gained from other foreign powers; and therefore nothing but a regard to his interests, which point out the English as the most useful allies to him, could induce him to enter into new engagements with them; and on account of the situation between them and Hyder, with respect to the Carnatic and the company's possessions on that coast, they wish to send a resident to his durbar from their presidency, rather than that one should be sent from that of Bombay; and add, that they are persuaded it would be more agreeable to the nabob.

Your committee find, that in another letter, dated 2d August 1778, to the supreme council, they remark, that it would not be possible to conclude engagements with Hyder on any other terms than mutual assistance; and that the treaty of 1769 appeared to them fully to express the condition on which his friendship was now to be secured; "and that if that treaty had not been evaded by the former government, they did not believe that Hyder would desire any new engagements at this time, &c."

And your committee find, that the supreme council assured the presidency of Madras, by letter 14th August 1778, that they fully approved of the proposals for forming a new alliance with Hyder; but observed, that they must require

require a total alteration with respect to the immediate objects of that alliance, as in reality, Ragonaut Row was not the end, but only made the means of accomplishing their designs in the West of India; and they therefore desired, that the first article might remain to be finally adjusted by the communications which should be received from Mr. Elliot in regard to the conditions he might have concluded with Moodagee Boonsla.

And your committee observe, that accounts having been received at Madras about this time, of our rupture with France, an expedition was undertaken, and succeeded, for the reduction of Pondicherry; and letters dated 30th October 1778, containing information of that success, were sent to the Nysam and to Hyder, and the latter was desired to acquaint the governor more explicitly with his sentiments on their intended treaty, as the Madras presidency very much wished to shew (now that they had put an end to the power of the French in India) their moderation and sincerity of friendship towards those, who had given them proofs of their good will, and desire to live in amity with them.—That particularly in regard to him, they considered an alliance between him and the company as for the interests of both, and therefore the governor wished to meet him to confer with him on that subject.

And your committee find, that Hyder returned an answer, dated 29th November 1778, expressive of his pleasure at the reduction of Pondicherry, and promised to write on the subject of an interview with the governor when he had finished an expedition, on which he was then engaged.

But it appears, that accounts were now received which tended to make the sincerity of this congratulation doubtful; for your committee find, that the select committee of Fort Saint George had addressed enquiries, 4th August, to the chief and council of Tellicherry, about the state of Mahé, with a view to set on foot an expedition against it; and that Mr. Church, in his answer of September 2d, informed them, that Mahé was in the country of the king of Carinaddy, who, with the other princes of the neighbourhood, were tributaries to Hyder, and that there was a prevailing report of his having directed them to assist the French in case of an attack upon them by the English: and it appears, that Mr. Church sent further accounts, 2d December 1778, and at the same time informed the board, that 300 of Hyder's sepoys were in the garrison at Mahé, and that 150 Europeans had marched from thence to Mangalore on 16th September, to join the army of Hyder, for whose service they had arrived from Mauritius in July.

And your committee find, that the president recommended on 27th November 1778, several points for consideration, relative to their undertaking an expedition against Mahé: and it appears that these informations occasioned some doubts in the select committee which met afterwards upon this subject, whether they should venture upon this enterprize at a distance from the Carnatic, as they might expect opposition in their march from Hyder's dependants acting under his orders; and they were led the more to apprehend it, being assured by letters from Bombay, dated 12th December, that Hyder was said to have allowed the French to hoist his colours in the place, should it be attacked by the English.

But it appears to your committee, that after many consultations, at some of which Sir Eyre Coote assisted, they became determined in their opinions, that the advantages much exceeded the risk, and delay was likely to be destructive

fructive of success, and they therefore resolved, on 7th December, to direct the attempt to be made immediately; and Sir Hector Munro was desired to prepare an arrangement of the troops necessary, and settle the list of stores; and that they should not wait for an answer from Hyder to a letter, which it was resolved that the governor shall write to inform him of the design.

And your committee find, that soon after these resolutions were made, the necessity of cultivating a good understanding with Hyder, whom the governor observed not to be pleased with the capture of Pondicherry, became a subject of consideration in the select committee 11th January 1779; and that it was agreed to send a resident to his durbar to negotiate a treaty with him, on the view that at all events his real disposition and designs might be known, and precautions taken on their part accordingly.

And your committee find, that a letter was wrote to him on 16th January, in which he is requested to admit a resident at his durbar, and in the conclusion of it is informed of the intended expedition against Mahé.

And your committee find, that a letter of instructions was given to colonel Braithwaite on 18th January; wherein it was observed, that from the passive conduct of Hyder Ally during the operations against Pondicherry, the board were inclined to think he had no serious intentions of assisting the French, especially now that they were at the last stake, and that therefore, on every ground, it was warrantable to conclude that he would not break with the English; and that as to secret support on this occasion by means of his tributaries, colonel Braithwaite would be strong enough to encounter that; but at the same time, he was to be cautious not to risk a defeat, if he had reason to believe that Hyder should declare openly in their favour, and assist them with a very superior force.

It appears to your committee, that this step became the more necessary, as the nabob now communicated intelligence of the progress of Hyder's arms towards the Kistna; and that there was great reason to believe, that after reducing the Cuddepah and Kannoul countries, against which he was now about to march, and which, unless protected by troops from the presidency or from him, must certainly be subdued, he intended to proceed to an attack upon Nellore and the Carnatic; and that he was determined so to do, if the English made any attempt upon Mahé, and that he had detached a large body of horse to the frontiers for that purpose. It appears that this last information was communicated by the nabob's governor of Arcot, who at the same time represented the bad state of the fortifications at that place.

And your committee find, that the nabob transmitted also intelligence 4th February 1779, which he had received from Hyderabad, that the Bombay army had been surrounded and made prisoners by the Marattas, which seemed to give great satisfaction to the nysam. And it appears, that a consultation was held hereupon; and that the president took occasion to represent the state of the treasury, and the difficulties which they should have to support an army adequate to the services for which it might be required; that methods must be devised, and the supreme council be consulted on that head, for securing the regular payment of the Tanjore subsidy, and of the nabob's peshcush, which would enable them to make great efforts; that they had a standing army of twenty-seven thousand men; and that besides the charges necessary for their support, they were burthened with the expences attending repairs

repairs of fortifications, "which must not on any account be neglected," and with other chargeable articles.

That these, among many other considerations, induced him to doubt, whether the expedition against Mahé, the troops being now far advanced on their route, and the fleet probably arrived at Anjengo, should be prosecuted. On the one hand it was necessary to reflect on the danger of a division of the forces; Hyder indeed was to be regarded as the enemy of the Marattas, and not likely to rejoice in their success, as his own had arisen from their quarrels among themselves; that he would also have to dread the nysam, who was a fast friend to the peshwa; that those three powers were never likely to unite in alliance, and therefore the English might hope to be preferred by Hyder, as he could have no expectations of support from the humbled power of the French, and in case of an union with him, Mahé would fall of course at any time. On the other hand, they had expectation of being soon reinforced by Lord Macleod's regiment, and that to recede from the expedition, now that it was so far advanced, would have the appearance of apprehension, from the late bad success at Bombay; that it was also to be remembered, that the French had the islands of Mauritius and Bourbon, from which they might send fresh forces to this country, and if Mahé was not now reduced, Telli-cherry would be in danger of being captured.

And your committee find, that Sir Eyre Coote then gave his opinion, that the troops should not be recalled, but that they should remain at Anjengo, till better information could be had of what the French were meditating, or a knowledge of Hyder's real intentions might allow a decision with safety.

Your committee find, however, that it was resolved to prosecute the expedition, and to inform the supreme council of every circumstance which had occasioned and determined their consultations.

And it appears to your committee, that a letter was accordingly wrote to Bungal, on the 7th February 1779, in which it was also specified, that it would admit of no doubt that Hyder Ally at present bore no favourable inclination to the English; that he was very strongly in the interest of the French, and that probably the success of the British arms alone, in reducing Pondicherry, had determined him to preserve a neutrality.

Your committee find, however, that this determination of Hyder was reported to be soon altered; and that on receiving accounts of the design against Mahé, he formed an immediate plan to go against the Carnatic, and wrote to his vakeel at Poonah, to settle a treaty of peace with the Maratta ministers; that frequent letters, containing such and similar intelligence, particularly of great bodies of Hyder's horse being collected on the borders of the Carnatic, were now brought from the nabob, and frequent consultations held thereupon; the general result of which was, that it would be necessary to make preparations for defence.

And your committee observe, that on the 18th February Mr. Smith, one of the members of the select committee delivered in a minute; in which he gives his reasons for thinking, that as at all times Hyder Ally ought to have been considered as the natural ally of the English in those parts; so this was a period in which his friendship should be particularly cultivated, and that they should assure him, in unequivocal terms, of their sincere desire to perfect a good understanding with him.—He advises at the same time, that "to fa-

facilitate the negotiation, and show Hyder we are determined to act with vigour, and to support the measure we have taken, a strong detachment should be assembled at Vellore, under the command of an active and experienced officer, and encamped without the walls, where it would occasion little additional expence, except the bullocks for the guns, which should be procured and kept in readiness, as it would be very difficult to collect them at a short warning."

It appears, That the nabob also recommended the plan of drawing the force of the Carnatic together, and forming encampments in one or two places; for that when the alarm of the enemy's host should spread through the country, it would be difficult to get train bullocks, coolies, and other necessaries: and he declared, that he had no treasures, nor bodies of horse, by which he could hope to make an effectual resistance against the invasion of his territories, with which the vakeel of Hyder had, in the name of his master, explicitly threatened him.

Your committee find, That a declaration, 22d February, was also formally made by Hyder's vakeel to the governor, "That he considered Mahé as a settlement dependent upon his country, and that his intentions were, in case of any attack upon it, to oppose it immediately, or by detaching a body of troops into the Carnatic."

It appears, That the president, when he had reported this message to the committee, desired them to consider, whether, on this intelligence so received, of a threatened invasion, it might not make it prudent to send directions to colonel Braithwaite, not to embark from Anjengo till further orders, unless he should have received such advices from Tellicherry, as might remove every idea of Hyder Ally's designs of supporting the French at Mahé: and the committee agreeing in opinion with the president on the propriety of that measure, a letter to that purpose appears to have been wrote and dispatched the 22d February.

And your committee find, That the governor further observed, that Hyder meant to oppose the expedition against Mahé, and to give trouble in the Carnatic; and, "though he would not believe such to be his intentions, till he had more convincing proofs than any already received; yet to rest the event on his judgment, and neglect to take every precaution to guard against so serious and alarming a circumstance, would merit the highest censure."

And your committee find, upon the select consultations of 25th February 1779, a letter from Major Maclellan at Tanjore; by which the board was acquainted, that the report of Hyder's having thrown men into Mahé was without foundation—that the general opinion on the Malabar coast was, that he was dead.—The major also stated what the force consisted of, which was said to be in garrison there.

And it appears to your committee, That a letter was, in consequence of this intelligence, dispatched on that day to colonel Braithwaite, informing him, "that although from repeated intelligence of Hyder's designs, the committee had been induced to send him the orders of 22d instant; yet, from other circumstances which had since been communicated, and particularly from the forwardness to which the expedition was advanced, they were now inclined vigorously to proceed in the execution of it;" and then referring

ferring him to his first instructions, they repeated the necessity of dispatch, that they might again have the benefit of his forces for the defence of the Carnatic.

It appears, That on this day also a letter, which had been agreed upon in the committee on 22d, at the motion of the governor, was sent by him to the nabob; in which he acknowledges the intelligence communicated by him, as a warning to be prepared against Hyder's designs; and assures him, that all precautions should be taken: he observes at the same time, that he was sorry to hear of his highness's inability to contribute towards forwarding the preparations; that it would be to reflect severely on his government, and to judge him incapable of the foresight which prompts every wise prince to be on his guard against the worst that can happen, if he should really suppose him without resources; that the company never were better able to protect him against all his enemies, provided that he would furnish the assistance which ought to be expected from the Carnatic; that he must therefore take the liberty of reminding his highness of arrears due from him, and of the necessity he now found himself under, to call upon him for them; that indeed it was not possible to account for his deficiency of money, as his creditors, new and old, had received nothing from him; his troops were all in arrear, the country had been long in peace, and this season particularly fruitful; that they must request accounts of the provisions and stores which his highness had laid up in his garrisons; and that he would see his troops regularly paid, and well appointed, lest, on an invasion, Hyder might be able to draw the whole, or the greatest part of them, to his standard.

And your committee find, That the board acquainted the supreme council, the 25th February, of these transactions; and observed, that they could not say how far they might be able to avert Hyder's threatened invasion—that it was an alarming circumstance, from their total inability to prevent the ravages of horse; and that their resources for war would be instantly cut off by their incursions;—that in the present situation of the presidency, they must endeavour, if possible, to avoid a quarrel with Hyder; and they trusted, that by a proper firmness with regard to the expedition to Mahé, they would not hasten it in any degree; that they had therefore determined not to relinquish it on the mere threats of Hyder, though they had cautioned Colonel Braithwaite to be upon his guard against a defeat.—They observe, that Hyder's conduct called so strongly for resentment, that if they could entertain a reasonable hope of support from the Carnatic, or of funds sufficient to carry on an active war, they should certainly recommend the necessary preparations for it; but that they were not in condition with respect to revenue, even to oppose any powerful attempt either of the French or Hyder; that they would however exert themselves, trusting that the difficulty of their situation would plead their excuse for any failures that might happen.

It appears, That on the 28th of February, a long letter, dated 23d, was received by the governor from the nabob; wherein he states many proofs he had given of Hyder's enmity to them, and of attachment to the French; and that in having advised former governors to make war upon Hyder, and an alliance with the Marattas, he had consulted only the good of his country, and of the company; he suggests a rule of conduct for the government in the present circumstances, and advises, that if they would endeavour (which he

hope to be their desire) to divert Hyder from his intended attack on the Carnatic, they should use arguments of persuasion, and offer to desist from their attempt on Mahé; but if they resolved to quarrel with him, they should fortify themselves by alliances against him, and turn their first attention to the Marattas, whose friendship it might not be yet too late to secure; and although his advice on that subject had not been taken before, he wished now to be employed in attempting to bring about a negotiation with them.— He expresses great apprehension lest Hyder should seize upon the Cuddepah country, which, he says, is an appendage of the Carnatic, and that the loss of it would be the loss of all communication with the northward, in the same manner as it was already cut off to the westward; and that the whole Carnatic would be thereby blockaded.

And your committee find a letter from the nabob, dated the 1st of March 1779, in which he observes, that as he had been desired by the governor to write to the Poonah ministry, in order to open a negotiation for a treaty between the presidency and the peshwa, he inclosed letters which he had prepared accordingly for his approbation: And it appears, that the governor, on the 1st of May following, wrote to the nabob, acknowledging the receipt of this and several other letters from him; wherein he had given intelligence of Hyder's hostile designs against the Carnatic, and recommended alliances with the soubah and the Marattas, for the purpose of reducing him: and it appears, that the governor in this answer informed the nabob, that as Hyder had retired from the Cuddepah country, and was marching towards Sevingapatam, the threatened danger of invasion was at present over, without having recourse to the alliances proposed; but that as Hyder's late proceedings might lead to a war with him, it became necessary to know what resources they should have for carrying it on; and that no doubt his highness, from the earnest manner in which he had pressed an union in a general attack upon Hyder, even before he had invaded them, had well considered the vast sums which it would require to execute such a plan, and would inform the governor what provisions he had made, and what extraordinary supplies could be depended on from him.

Your committee will here remark to the House, That they have found many letters from the nabob, containing papers of intelligence relative to the continual augmentation of Hyder's forces, and his threats of employing them against the possessions of the English and the Carnatic, because of the attack on Mahé. But your committee conceive, that there could be no evidence more strong, to persuade the presidency of Madras, of what Hyder's disposition and intentions were, than his own letters on that subject, and any acts of hostility which he appears to have begun or incited against them; and therefore your committee think it proper chiefly to make use of these testimonies for the information of the house on this head; and they point out a letter from Hyder to the governor, dated the 17th of February, in which he says, "I see what you write concerning the French factory of Mahé: in my country there are factories belonging to the English, Dutch, Portuguese, Danes, and Fressch, and besides, there are many merchants there who are considered as my subjects; if any one entertains designs against those factories, I will, without doubt, take the best and most considerable methods to give them assistance."

And

And your committee find, That another letter was received from Hyder, the 7th of April 1779, in which he complains of violences committed on his people at the frontiers, by killedars of the Carnatic; that he had before complained of them in vain; but "that out of friendship for the King of England, and the gentlemen of the council, he had as yet taken no step to retaliate the injury."

He again repeats what he had before wrote about the expedition against Mahé, and of the assistance which he should give to those whom he considered as his subjects; and adds, "that the governor and the gentlemen of the council were acquainted with this, and at any rate would act as they should think proper."

It appears that an answer was returned to this letter by the governor, dated the 19th of April; in which he expresses his surprize on perusing Hyder's letters, and on hearing the message delivered by his vakeel, "that he would oppose any attempt made up in Mahé to the utmost of his power;"—that he did suppose, if Hyder thought it necessary to interfere in our quarrel with the French, that he would take part with the English, not against them;—that he had never heard of any irregularity committed in Hyder's country by the nabob's people, but that they should have been punished, had he been made acquainted with their offence.

He declares, that it had been the constant aim of his government to promote a good understanding with Hyder, from a full conviction that it was for the mutual interest of the company and his Circar, that the friendship subsisting between them should be perpetual; but that if he (Hyder) persevered in the conduct which he had observed of late, it did not appear how it could be much longer maintained; that the company and their allies were sufficiently powerful to avenge every kind of injury that might be offered to them; that they would not be the aggressors in any quarrel; but once provoked into hostilities, they would not fail to exert all their strength to punish the offender.

That there was reason to complain of Hyder's conduct in reducing Morarowrow, who had been included in the treaty of 1769 as a friend of the Carnatic; and reason also to complain of his proceedings against Cuddepah and Kannoul.

That it was reported he had some designs against Bazalet Jung, which made it necessary that he should be informed of engagements of friendship entered into between the company and Bazalet, and of their having promised to assist him in the defence of his country; and that it was therefore hoped he would lay aside any intentions he had formed against him.

And your committee find, That Colonel Braithwaite succeeded without difficulty in his enterprize against Mahé, which surrendered on the 19th of March, a day or two after his arrival before it; that he informed the board at the same time of his intention to send back part of the troops, which he hoped would reach the presidency in three weeks, and that he found it necessary to detain the rest of the detachment, "because of the reports of Hyder's troops coming."

And your committee desire to refer the House to the Appendix No. 35, where are subjoined such letters from and to Colonel Braithwaite, relative

in the proceedings at Mahé, and on that part of the Malabar coast, as appears to contain any information, by which the designs of Hyder might be discovered.

And your committee will here only observe, That they find by these letters, that the Colonel soon discovered the nairs and petty princes of the neighbourhood to be disaffected to Hyder, which induced him to propose an advice to the presidency, that should it be their plan to make any attack upon that prince, they should direct it particularly to those quarters where he was most vulnerable; and he thought, that even if the corps he commanded might be allowed to remain in those parts, it would be a great check upon Hyder's projects; that he believed his expressions of anger on account of the expedition against Mahé, arose from his fear that the English would protect his revolting dependants, and likewise because he used to receive his supplies of ammunition and military stores through that port. The French, however, he said, greatly complained of him; and Monsieur Picot, the late commandant, assured the colonel that he had promised to send 34,000 troops to Mahé, of whom 8,000 were to have been horse, to scour the country.

Your committee find, however, that the Colonel was directed by the government of Madras not to interfere in any disputes between Hyder and the nairs, or any of the country powers, whom he had represented as earnest to acknowledge their submission to the company, and united in a design to revolt against their own prince.

It appears indeed, that the disposition of these people had shewn itself by marks of open rebellion; and that Hyder's governor of Calicut was in great apprehensions for that place, which was besieged by them, and that the company's resident had been ordered to quit it at a very short notice.

And your committee find, that large bodies of Hyder's troops came down to last and relieved it, and fixed themselves also in redoubts all round Mahé, and distressed it much, for want of provisions, which they would not suffer to be carried in, though they proceeded to no other act of direct hostility, but talked with much anger in their camp of the assistance given to the revolters from Tellicherry. The nairs themselves, finding they were not to expect support from Col. Braithwaite, soon submitted to Hyder, and began to infect, and skirmish with, the English troops.

And your committee find, that Col. Braithwaite, having received orders to send his detachment to Surat, where it was to join General Goddard, he evacuated Mahé on the 29th of November, after the stores were shipped and the fort blown up; and that Hyder's sardar of Calicut immediately took possession of the ruins, and lodged some troops with twelve guns on the Mount: that the Colonel, on his arrival at Tellicherry, found it invested by the nairs, and having observed that every act of Hyder's tributaries and managers shewed them to be open instigators of this attack, he wrote to the presidency, that he had thought it prudent to re-land the troops, and to remain there for the protection of the place; complaining greatly at the same time of the gentlemen of the council, who, as he had been well informed, had done many things to irritate Hyder's government, without providing in any shape for their own defence. And it appears that his conduct was approved of by the Madras Board, who instructed him, however, to detach the European corps to join General Goddard, while he should remain himself with the

the sepoys, till he should think the danger removed; and they desired, that if any just cause of offence had been given either to the nabob or to Hyder, it should be instantly removed, "for that it was highly necessary in their present situation to avoid all occasions of adding to their enemies."

And your committee will now desire to direct the attention of the House to another source, from which intelligence seems to have been drawn of Hyder's dispositions and designs against the company and their possessions in India.

It appears, that the select committee of Fort St. George, in a letter of 23d April 1779, informed the supreme council, that they had received intelligence of Hyder's having completed a conquest of the Cuddapah country, and that he was proceeding to make an attack upon the territories of Bazalet Jung, whose vakeel had expressed, in his master's name, the strongest apprehension of that event; that he had also written threatening letters to the zemindars of Venkatagerry and Calestry, who are tributaries to the nabob; that in consequence of their negotiations with Bazalet Jung, they had resolved to send, for the protection of his country, three battalions of sepoys, one company of artillery, and six field pieces; and they remarked, "that Hyder's proceedings in that quarter had added greatly to his power, and given a much more easy access to the Carnatic than he had done before; that they were of opinion, that immediate measures should be taken to compel him to retreat back within his former limits, or if necessary, to reduce him totally; for there was every reason to conclude, from the language he held, and from the nature of his proceedings, that he would very shortly draw into hostilities, in which case it would be highly expedient that they should prepare to act defensively."

And your committee think it incumbent on them, in this place, to lay before the House such papers as will briefly inform them of the nature and purport of those negotiations, which the presidency of Fort St. George appear to have entered into with Bazalet Jung; but your committee do not mean at present to make any remarks on the political propriety or expediency of them.

And your committee find, that on the 10th July 1778, the president having observed to the council, that great inconvenience arose from the opening which the French had of introducing troops and military stores to that part of the coast, by means of the port of Mootapillee, in the Guntoor Circar, to which the company had a reversionary right; and having observed also, that the French already there had much influence with Bazalet Jung. (who, it appears, was in possession of that Circar under grant for life, from his brother Nyfam ul Dowlah, subah of the Decan, and under articles not to dispose of it without his brother's consent) proposed to take measures for getting that port at least immediately into their hands; and having recalled to the remembrance of the council, that a former ineffectual application had been made to the nyfam, he now advised that they should address themselves directly to Bazalet, and inform the nyfam, by letter, of the motives for their doing so.

But it appears to your committee, that in the month of November following the president informed the select committee, that Bazalet's vakeel had signified to him, his master's strong desire of obtaining marks of the company's favour, which he was willing to purchase, by giving them the

Guntoor

Guntoor Circar at rent on certain terms; which the governor then laid before them, and at the same time he presented other articles, which he thought himself should be made essential to any agreement; the chief effect of which was, that the company should keep a body of troops, to be paid out of the revenues of the Circar, for the sole purpose of defending Bazalet Jung's dominions, and not to be employed out of them; and that he (Bazalet Jung) should consent to discharge and disarm the French then in his service.—It appears, that the committee approved of the amended articles, and directed them to be communicated to the vakeel, and by him to his master; it appears that a treaty was concluded on these terms with some trifling alterations, and that the French under the command of Monsieur ~~Isly~~ were dismissed, and were afterwards taken into the service of the nizam.

And your committee find, that on 22d April 1779, an application was made by Bazalet Jung, for the stipulated support of troops on account of a threatened invasion of his country by Hyder Ally; and that there was a detachment sent accordingly to Mootapallee from Madras, under the command of Colonel Harper, who was instructed, that it was to be employed in the defence and protection of Bazalet Jung's territories, and for the support of his government; and that he was to march by the shortest and most expeditious route to Adone or Racheon, as Bazalet might appoint.

And your committee find, by several letters from Colonel Harper, that he marched from Mootapallee to Innaconda; and that intending to pursue his route towards Adone, through the Cuddepah country, which had been lately conquered by Hyder Ally, he gave notice to Hyder's zemindars on entering it; but that he found the pass defended by a barrier, and a large body of men belonging to Hyder, who opposed his march, and obliged him to fall back to Innaconda on the 14th August 1779.

And your committee find, that a letter was thereupon written, 26th August 1779, to Hyder, by the governor of Madras; in which he complained of the opposition made to the passage of the troops through a part of the district of the Cuddepah country; and observed, that it was the invariable practice of all powers, who lived in a state of friendship and peace, to let their troops pass and re-pass through their territories; and that he was willing to persuade himself, that Hyder's managers acted on this occasion without their master's knowledge or authority.

But it appears to your committee, that the Nabob, on the 24th August, communicated to the governor a letter which he had received from Bazalet Jung's durbar. ~~He~~ In his letter, expressed himself in terms of great displeasure, that the Guntoor should be given up to the English; who, he said, ought not to be allowed a footing in that part of the country, and wished that his killedars might be permitted to rent it, and that then nobody would dare to attack them. He concludes his letter in the following words: "It is not in my power to consent to his excellency's giving up the Guntoor Circar to my old and bitter enemies, for it joins to my country. If the English are upon position, his excellency and I cannot agree. You, sir, will explain to this in a proper manner to his excellency, and give me leave to come to me in order to settle this affair."

What are the English, whose name gives so much alarm to the people of this country? How did I encounter them when I was at war with them?

How

How often were they not defeated by my victorious troops? This is well known to every body. Why should they be so much afraid that their protection should be solicited?

“If his excellency and I are joined, we shall stand in fear of no one.”

And it appears that Bazalet discovered great apprehensions on account of this letter, and great impatience to have Colonel Harper and his detachment with him.

And your committee find, that Colonel Harper received a reinforcement of troops from Madras, but that he was long prevented from renewing his march from Innaconda by the want of provisions and money; and that he was urged to proceed as quickly as possible, both by Bazalet Jung and by the Madras council, who, being displeased with this delay, had, upon his offer to resign the command, appointed Colonel Baillie to succeed to it. But it appears that Colonel Harper having at last set out on his march, he was stopt by orders from Bazalet Jung; who caused him to be informed, that Hyder Ally had threatened to destroy his country, himself, and family, if he did not speedily discontinue all correspondence with the English; and that the nysam, his brother, had wrote to Hyder, and desired that they might jointly prevent the English from entering his territories; that Hyder had sent some troops, and taken possession of all the open country, and confined him in his capital; and that the nysam, apprised of Bazalet Jung's situation, had wrote to him, that if he would renounce all concerns with the English, and regain possession of the Guntoor Circar, he would restore him to those countries which Hyder had seized on; and that if the English did not immediately comply, and march out of the country, that he (the nysam) would bestow the said Circar upon Hyder, and that they would jointly extirpate the English from the whole Carnatic; and that, in such circumstances, he (Bazalet) had been obliged to submit.

And it appears, that Bazalet Jung complained, that he had given tun-kars in the Guntoor Circar for the payment of those troops, which he still retained; but on producing the tunkars to Lieutenant Douglas, who commanded for the company in the Guntoor, he would not permit any collection to be made; which gave great uneasiness to him, as his troops would not march against the enemy without receiving their pay.

It appears to your committee, that the governor had wrote to Bazalet Jung on the 11th November, to assure him, that the troops should march as soon as possible to his relief, and to acquaint him, that the Guntoor was put under the management of the nabob, who had been requested to give orders that the balances should be accounted for to him in the most expeditious manner possible.

And your committee find, that the select committee having taken these accounts into consideration, resolved, 20th November, to order the detachment to return to Innaconda, and to inform Bazalet Jung of their concern for the necessity he found himself under, of concluding terms with the nysam, as the troops were actually on their march to support him. But that, notwithstanding these circumstances, they considered the treaty between the company and him to be still in force; and that he might command the assistance of their troops at any future time that he should require it; and that

that the revenues of the Guntoor Circar should be faithfully applied to maintain a force for that purpose, agreeably to the treaty.

And your committee find, that the nabob, on the 5th of December, transmitted to the governor a letter from Bazalet Jung; wherein Bazalet represented the necessity he was under of requiring the restoration of the Guntoor Circar, for fear of the resentment of the nysam and Hyder Ally.

But it appears to your committee, that instructions were agreed upon by the select committee, and sent to Colonel Baillie, 30th December 1779; that it would be necessary for him to be upon his guard, in case of any attempts being made against the Guntoor Circar—that he should only protect their present possessions, and not act offensively against any power without positive orders; but that he was empowered, in case of any movement towards the Guntoor Circar, either from the nysam or Hyder Ally, to call for the sepoy's under Lieutenant Douglas, and for as many sepoy's as could be spared from the Mazulipatam district."

And your committee find, that a letter, dated 31st December, was wrote by the governor to Bazalet Jung, expressive of concern at his misfortunes, and the accidental causes of them, by the delay of the march from Innaconda; and reminding him, that application had been frequently made in vain to the nysam, for giving up the Guntoor Circar to the company; that at last they had got possession of it by his (Bazalet Jung's) voluntary offer, and that therefore every thing had been properly concluded; that the troops had been delayed at his desire, that they should remain on the border of the Guntoor, or should go into quarters, if he had no further use for them.

Your committee having thus laid before the House, very briefly, some strong tokens of Hyder's discontent, and purpose of resentment, which seem to have discovered themselves immediately from the two causes of the expedition to Mahé, and the affair of the Guntoor Circar, they will proceed to examine, and produce for the information of the House, such measures as appear to have been taken to gain a more certain account of his dispositions and designs.

And your committee find, That on the 23d October, the president informed the select board, that he had pursued a method which he had thought it incumbent upon him to conceal, even from their knowledge, in the view of sounding the real intentions of Hyder; whose letters and messages, since they had undertaken the expedition against Mahé, and formed an alliance with Bazalet Jung, had been couched in terms so hostile and unfriendly, that he could hardly believe they were genuine productions of Hyder. He suspected the insinuations of the nabob, from his well known enmity to Hyder, and he doubted whether the vakeel might not have been tempted to pervert, or exceed, the intentions of his master, especially as there appeared no reason why he should quarrel with the presidency, and bring on a war so contrary to his true interests. He had therefore thought it expedient to send a person privately to Hyder, with a letter from himself, desiring an explicit declaration; and that the answer he had received gave him too much reason to apprehend that Hyder's intentions were really hostile, both against the company and the Carnatic; and it became necessary for the committee to guard, as much as possible, against the consequences.

It appears that in his first letter, Hyder refers to another for a full answer to that of the president; and observes further, that Mr. Swartz would acquaint him with several matters he had charged him with.

Your committee must here remark, that they have not discovered any entry of further information from Mr. Swartz relative to the several matters he was charged with.

It appears that the president's letter was dated 11th June 1779, and that it contained an account of the motive which induced him to send Mr. Swartz, as he feared that designing people might have been at pains to disturb the friendship which both had at heart from taking place; and he therefore acquainted him, that, if he was desirous to enter into the bonds of friendship with the company, he might put an entire reliance on the person who was sent, and who would communicate every particular to him—that nothing would tend more to the cement of their friendship, than an interview, in which he might assure Hyder personally of the sincerity of his intentions, and use the most proper expedients to render their friendship lasting.

It appears that Hyder, in his answer, begins with a remark, "That before, when a friendship, confirmed by a solid treaty, subsisted between the company and him, he imagined that it would increase daily, and not have been broke through, which he considered it to be by the expedition to Mahé, and the sending troops to Bazalet Jung, and that he conceived there was a determination to break with him at all events.

"That out of consideration for the friendship of the King of England and the company, whom he had considered as one, but now thought otherwise, he had not yet taken revenge."—His conclusion is in these words: "It is no matter!—But if you, henceforth forgetting all treaties and engagements of the company, still are intent on breaking with me, what advantage can attend writing to you? You are acquainted with every thing; it is right to act in all things with prudence and foresight."

It appears that the committee, on hearing these letters read, agreed in opinion concerning the designs of Hyder, and resolved immediately to acquaint the governor general and council of their sentiments; and to write to General Goddard, hoping that a knowledge of their situation might induce him to make peace with the Marattas.

It appears that a letter, dated 30th October 1779, to that purpose, was immediately dispatched to General Goddard, informing him also of the force at Mahé, which was ordered to obey his requisition to join him—and that no greater succour could at present be spared from their own establishment.

It appears also, that a letter was dispatched on the same day, 30th October, to Bengal, wherein your committee find the following observations succeeding an account of Hyder's preparations, and of a probable rupture with him:—"A war with Hyder, let the event be ever so successful on our part, would distress the Carnatic beyond measure, and prove a most expensive burthen on the company; we sincerely hope, therefore, that General Goddard may conclude a treaty with the Marattas, and thereby free the company from the necessity of engaging with the two most powerful states of India at the same time; which will probably be the case if he fails in his negotiation: Should we be at peace with the Marattas, Hyder will be afraid to disturb us, for, exclusive of our strength, which he could then have no hope of resisting,

existing, the determined enmity which the Marattas bear him would induce him rather to court our friendship than to provoke us into hostilities; and this is precisely the state wherein only we can expect to preserve that tranquillity in the Carnatic, which is so necessary to the affairs of the company at all times, but especially at this juncture."

And your committee find, that Mr. Smith, at the select committee of 11th November 1779, delivered in a minute on the general situation of affairs, arising from the probability of an approaching rupture with Hyder, whom he considered as by far the most powerful and dangerous of any of the country princes, and represented in a strong light all his advantages of power, riches, and ability; and foresaw that the reducing him must be attempted sooner or later. He thought a war could not be avoided, because Hyder had manifested his intentions to provoke it, and that it being therefore necessary to consider a plan for their future conduct, he ventured to suggest the necessity of laying their account that an army should be in the field in January, and every hour employed in making necessary preparations; he would advise the committee to strengthen the detachment under Colonel Harper, that it might be able to stop Hyder's progress in those parts, and recommended the collecting a strong body of troops immediately to be cantoned at Conjeveram or Vellore.

It appears that the committee were of opinion, that they had taken the only step in their power, by writing to the supreme council, and collecting their troops together as much as possible; and that their future conduct must depend upon what the gentlemen of Bengal might determine—that they can pursue no active measures whatever, being entirely without the resources necessary for putting a considerable body of men into the field.

Your committee think it proper to observe in this place, that it appears, by a letter from Sir Eyre Coote, dated 2d April 1779, from Bengal to the select committee of Fort St. George, that he had stated to the governor general and council the necessity there was of sending them a supply in some degree adequate to the great expence they were at, and the difficulties they would certainly be reduced to for want of a treasury, should Hyder put his threats in execution by entering the Carnatic; and that the governor general and council had agreed to send them fifteen lacks of rupees.

And your committee find, that in consequence of accounts from General Goddard and from Bombay, that hostilities were likely to take place with the Marattas, the select committee of Fort St. George address another letter, November 10th, to Bengal, repeating their expectation of an attack from Hyder, whose great preparations they continually hear of, and whose force at present is said to consist of 30,000 sepoy and 20,000 horse; and that should he enter the Carnatic, it would be out of their power to prevent the ravages of his horse, which would greatly injure their revenues—That they wish to know in time what assistance they may depend upon, in order to take measures accordingly—They propose, as the best plan in case of being compelled to act against Hyder, to carry the war into his country, by sending a considerable force to Mangalore by sea, from which they might very easily march to Seringapatam, and be more readily supplied with provisions, while engaged in besieging it, than they could while defending the capital of the Carnatic—They observe, that the detachment sent to protect Bazalet Jung, and

and that ordered to join General Goddard, made no inconsiderable part of their troops; and that their remaining force, except by the king's regiment expected from Europe, would be by no means adequate to the various services required from them, and they therefore still hoped to hear of accommodation with the Marattas, as they could not suppose the designed proposals which they had seen would be finally rejected by the Poonah ministry, unless some new requisitions were added to them.

It appears, however, to your committee, That the nabob communicated at this time to the governor, intelligence of a treaty between Hyder and the Marattas, and acceded to by the nysam, for uniting their forces, and commencing a general attack upon the company's possessions.

And your committee find, That the governor, in his answer to the nabob, assures him, that in the first place such an alliance is highly improbable, and could hardly be effected, but that at any event he hopes, with the support which his highness is capable of affording, that the company would be able to protect him against all the powers of Hindostan.

But it appears to your committee, That fresh accounts arrived from Poonah, which gave force to the rumours before communicated by the nabob; and many particulars were now related of the terms on which Hyder had made peace with the Marattas, and of the plan for carrying on war against the English in every part of India, and your committee find, That the president paid attention to it in his minute of the 30th of December, wherein he considers means to secure the neutrality of the soubah. And it appears, that the select committee inclosed this intelligence in a letter to Bengal, dated the 31st of December, in which they thus expressed themselves, "It is beyond doubt, that a treaty of peace and alliance has taken place between Hyder and the Marattas."

And your committee find, That on accounts brought from Tellicherry, dated the 9th of December, that the troops had not been able to proceed from thence to join General Goddard, the president proposed to send a reinforcement to him from the presidency, notwithstanding the critical situation of their own affairs, because he thought it necessary for the purpose of obtaining peace with the Marattas, that the company's force there should be made as respectable as possible, and as they themselves daily expected Lord Macleod's regiment at Madras, "they would be enabled to form a sufficient army to cover the principal garrisons in the Carnatic, and that as to the open country, they could not pretend, with infantry only, to protect it against the numerous host of Hyder Ally, should he make an irruption into it."—The president's proposal was approved of; and Captain Panton, of the Sea Horse, was desired to convey the troops by sea to Surat.

And your committee find such to have been the situation of affairs under the presidency of Fort St. George, at the end of the year 1779, in respect to their expectations of hostilities with Hyder Ally.

And your committee find, That the governor sent a letter on the 21st of January 1780, to the court of directors, in which he observes, that every thing was quiet in the Carnatic; that nothing material had happened since the last dispatch, though they had been kept in continual alarm, from various reports of the hostile intentions of Hyder and the nysam; the former, in consequence of a treaty which it was confidently affirmed (and scarcely admitted

(without of a doubt) he had entered into with the Maratta state, and the letter from the friendship which had long subsisted between him and the infant peshwa, and ministers at Poonah—that Hyder had hitherto contented himself with extending his conquests to the northward, and had not yet invaded any part of the nabob's possessions; and that every thing had been done, on the part of their government, to keep him quiet at so critical a juncture; and that, from the advance of the season, without any movement having been made by him towards the Carnatic, he was inclined to think they should remain in peace, especially as the very seasonable arrival of the fleet with the troops would have a powerful effect in preventing any design of an invasion, if such had been seriously intended.

The governor also mentions the reinforcement which they had sent to join General Goddard, notwithstanding their apprehensions of the nizam and Hyder; and that it had left the coast on the 11th instant—that the troops from Mahé had also orders to join him; and that the 8th battalion of sepoy's would embark from Pondicherry in a few days for the same purpose.

He observes also, That he had sent his considerations upon the present political state of the company in India, of which your committee do not think it proper in this place to take any further notice than by inserting the introductory page, which is as follows:

“The measures lately pursued at Bengal and Bombay, in support of Ragonaut Row, having drawn on the company the resentment of the Maratta state, given offence to Nizam Ally Cawn, who is in friendship with that state, and a declared enemy to Ragonaut Row, and opened the way to a rupture with Hyder Aly, by promoting peace between him and the Marattas, and leaving him at liberty to execute the threats which he has denounced against the Carnatic, it is become a matter of serious importance with the company, to consider how they may best avert the evils that surround them, and what line of conduct it may be proper to adopt for establishing their affairs in future upon a solid and permanent footing.”

And your committee find, by another letter from Sir Thomas Rumbold, dated the 7th of February 1780, that “he could speak with confidence, that there was no likelihood, at that time, of any troubles on that side of India; as Hyder Ally had lately released some gentlemen who had been detained by his officer on the Malabar Coast; and as he had remained till that time at Seragapatnam, and withdrawn some troops he had to the northward.”

And your committee find, in a select letter from Fort Saint George, dated the 3d of April 1780, several observations on the growth of power and importance of Hyder Ally, and of his contests with the Marattas, who “seeing no prospect of relief from their wars with the English, were forced to conclude a treaty with Hyder, which they made offensive, that they might have the benefit of his assistance against them.”

And your committee also find in this letter, an account of the transactions relative to the Guntour Circar, and of the necessity which Bazalet Jung had represented himself to be under, of requiring the march of the troops to be stopped, and that the Circar should be delivered back to him by orders from the presidency of Fort Saint George—that they had complied with the first request; but that as they had done every thing in their power to fulfil the

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agreement, they deemed it by no means incumbent on them to deliver up the Circar, and more especially, as they had so much reason to believe that the British would, in that case, have been given to Hyder—that they had therefore promised to account for the rent, and after deducting the expences for their troops employed in his service, to remit the surplus, and had given him assurance, that he might call for that body of troops whenever the situation of his affairs should require it.

They observe, That they indeed considered it as a fortunate circumstance for the company, that their troops were not required to proceed to Adoni, as, from the part taken by Hyder Ally, there was reason to fear they might have embroiled themselves with him; and that indeed, having been aware of that at the time of the first proposals for a treaty with Bazalet, they should not have agreed to them but from the expediency of procuring the dismission of the French troops—and that they should now wish to take any opportunity of annulling the defensive articles in the treaty (continuing still to hold the Circar at rent) and thereby of freeing themselves from the only embarrassment which could attend that connection.

They mention the appointment of Mr. G—— Gray to go to Hyder Ally, to solicit the release of some English gentlemen, and that he had set out on the 14th of January, but before he reached Syringapatam, Hyder had released them---that Mr. Gray, however, proceeded, and delivered this letter to Hyder, and at the same assured him of their disposition to cultivate friendship and good understanding with him---that Hyder made but an indifferent return to these overtures, seemed neither desirous of their friendship, nor did he treat Mr. Gray with civility---that Mr. Gray returned with a letter from Hyder, which would be found in the country correspondence of that year.

They conclude this subject with observing, that from that letter, and from one from Mr. Gray, the court would be able to judge clearly of Hyder's real disposition towards them; and they remark, that his insolent conduct could only be encouraged by their present troubles with the Marattas.

Your committee must here remark to the House, That the books of consultations, and of the country correspondence of the presidency of Fort Saint George, from the 31st of December 1779, to the 2d of April 1780, were lost on board the General Barker, which was cast away on the coast of Holland, and that no duplicates had been brought in the other ships which sailed from Madras at the same time, so that your committee have not been able to gain any further account than they have already given of the transactions relative to Hyder Ally during that period.

But your committee find that Sir Edward Hughes, in a letter dated Madras Road the 5th of April 1780, to Lord Viscount Weymouth, observes, “that if any judgment can be formed of Hyder Ally's intentions from the language he holds, they must be extremely hostile to the British interests;”—and in support of his observation, he encloses a copy of the letter mentioned above from Hyder Ally to Governor Rumbold; and by this means your committee have an opportunity of laying it before the House, which we think it proper to do at length, because it contains his explicit complaints against the company's servants on several grounds, and as far back as the treaty of 1769.

*Copy of a Letter from Hyder Ally to Governor Rumbold, dated 12th Raby at Anel,
1194 Heg. or 19th March 1780*

"I had the pleasure of receiving your letter by means of Mr. George Gray, and I understand the contents thereof, as also the representations of the above gentleman.

"When Chunda Cawn and the Fienca formerly invested the fort of Trichonopoly, the promises and engagements you then made have not been performed on your part, afterwards the governor and council concluded a treaty of friendship between me and the company; the substance of which was as follows: they would consider those who are my friends or enemies, to be friends or enemies to them, and that we should mutually assist each other when circumstances required. I assured myself that the company would not swerve from their engagements. The treaty above alluded to you will have in your possession, and which you'll please to peruse. At the time of the war between me and the Marattas, although I did not stand in need of your assistance, yet, in order to know whether you intended your engagements, I repeatedly requested you to send me a small body of troops, pursuant to your promises, but you then omitted to send them. Some time ago you wrote me you would assist Balet Jung with troops, and you did so accordingly, and a skirmish happened between my troops and host of yours, besides this, your and my boundaries bordering on one another, from Dinidiet to Cuddappah, frequent disturbances arise from the people on your side. The commandant of Tellicherry in particular has afforded protection to the nairs belonging to my country, and has given refuge to their families within his bounds, has supplied them with arms and ammunition, and incited them to raise disturbances in my territories, and they have plundered a country worth 20 lacks of rupees, and are still continuing to ravage it.

"When such improper conduct is pursued, what engagements will remain inviolate? I leave it to the judgment of you and your counsel to determine, on whose part the engagements and promises have been infringed."

"Edward Hughes."

And your committee find, upon the select consultations of Lord St. George, of the 24th April 1780, a letter from Bombay, wherein was inclosed one from Hyder Ally to the governor of that presidency, received by him February the 1st 1780; in which Hyder acknowledged the receipt of a letter from the governor, and acquaint him, that, agreeable to his request, he had released the English gentlemen and their families, but that he had many causes of quarrel (which he enumerates) with the governor of Madras, and that he had given orders to his officers to take care of themselves, and to fight with the English people upon their entering his country, that no dispute had come between the governor of Bombay and him; but that "upon the people who occasioned unjust quarrels, he resented them."

A letter of the 9th May, from Major Cotgrave (who succeeded Colonel Braithwaite in the command at Tellicherry) informed the select committee, that the nairs continued to invest that place, and that he was convinced they were not only encouraged, but assisted by Hyder.

And your committee find, that Lord Macleod, in several letters, and particularly in one of 1st June. made complaint to the select committee, of want of

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of provisions for his troops; of ill treatment from the nabob's sepoys; and chiefly of the quarters, in which his men were so much crowded, that great danger to their lives was to be apprehended from it; and it appears, that Major Maule was hereupon ordered to give an account to the select committee, why he had not begun the barracks.

And your committee find, that on 12th June 1780, the select committee resolved to order the detachment under Colonel Baillie to remove into the Guntoor Circar, "because, these being various reports of Hyder Ally's movements and designs, it would be proper to have those troops on this side the Kistna, in case of any disturbance in the Carnatic."

And that, on the 19th June, a letter from Colonel Lang, dated at Vellore 11th June, was read by the select committee; in which he gave intelligence of Hyder Ally's march from Syringapatam, and of the great force he had collected at Bangalore; and at the same time were read other letters, containing the like information.

And your committee find, that on this occasion Mr. Johnson delivered in a minute, to which Mr. Smith subscribed; in which they suggest the great expediency of making preparations to resist the hostile design of Hyder Ally, and of deliberating on measures for reinforcing the garrisons, and for keeping up a force at least sufficient to guard the company's and the nabob's possessions, if they should not be able to maintain an army in the field.

They advised, that an exact return of stores and provisions should be ordered; and then observed, "that the general was the best judge of the present disposition of the army, and how far it might be expedient to have the Europeans divided."

And your committee find, that the select committee of Fort St. George, in a letter, dated 28th June 1780 to the governor general and council, inform them, that Hyder Ally had constantly kept up an intercourse with the French governor at the Islands; that he had received great quantity of military stores from thence; that his forces (which he had been increasing for two years past) were now equipped for immediate service; that part of them were actually advanced to the frontiers of the Carnatic, and intelligence was received, that he was employing people to clear the road leading to one of the principal passes; that in case of an invasion, they would act in the best manner they could; but much feared their difficulties would be great for want of money.

And your committee find, that the commandant at Tiagar represented, in a letter of 2d July, to the general, the defenceless state of that place, which, being in the affinity to the passes, was liable to an early attack in case of an irruption of the enemy.

And it appears, that Mr. Smith delivered in a minute, on 17th July, to the select committee; wherein he very strongly urged the necessity of shaking off that supineness and inactivity in which they had hitherto remained, and of preparing themselves to meet the attack of Hyder, which now seemed unavoidable; and he suggests a plan for immediate defence, till a larger army could, if necessary, be assembled.

And your committee find, that information was brought from the commander at Amboor, on the 21st July, that Hyder, his two sons, and the best part

his army were come through the pass, and that his artillery was drawn up in the road to Changama; and that all the people of the valley were fled.

And by a letter, dated 13th October, from Lord Macleod to the secretary of war, it appears, that about the 20th July, advices arrived at Fort St. George from different quarters, that Hyder Ally had invaded the Carnatic with a powerful army; but that no attention was paid by the people in power to that intelligence, which they treated with contempt—that the evening of the 23d, however, put the invasion beyond a doubt, even with the government; for certain intelligence was then received, that Porto Novo on the sea coast, and Conjeveram, not fifty miles from the capital, had been plundered by the enemy.

Your committee having thus stated the intelligence received by the presidency of Madras, of Hyder Ally's intention to invade the Carnatic; his manner of invading it, and the various events that happened, and measures that were taken in consequence of that invasion; they will now proceed to report to the House, the result of their inquiries on several other points, which are necessary, in their opinion, for the information of the House, that they may be the better able to judge of the causes of those misfortunes to which the British possessions on the coast of Coromandel have of late been exposed.

In the former part of this report, the committee have given some account of the great force with which Hyder Ally had invaded the Carnatic, according to the intelligence at that time received, and of the conduct by which he endeavoured to secure the conquests he had made; but as this intelligence appears to have been received in a moment of general alarm, your committee think it proper to state to the House, the opinions which the presidency of Madras entertained of the character of this prince, of his resources, and of the troops he appears to have employed, at two former periods, when the company was not at war with him:

About the latter end of the year 1774, the governor general and council of Bengal desired the presidents and councils of the other settlements, to transmit to them the best information they were able to procure of the several princes in their neighbourhood.—In answer to this requisition, the president and council of Madras, in a letter dated the 9th of December 1774, write as follows: “Hyder Ally Cawn possesses a valuable, extensive, and well-regulated government—they cannot give an accurate computation of his revenue or forces, but all accounts agree, that he can bring into the field a very numerous and well-disciplined army; that he is no less exact in the payment of his forces, than attentive to their discipline; and that his revenues are said to amount to three crores of rupees—that he has taken the opportunity, while the attention of the Marattas has been engaged by their distractions at home, to recover the whole of the countries which they had, within these few years, wrested from him—that, as they cannot speak with certainty of the reports which prevail of his connection with the French, it is almost improper for them to touch upon them; but thus much is evident, that, by their means he is plentifully supplied with military stores; and that adventurers of their nation are allowed, if not encouraged, to enter into his service.”

In answer to a similar requisition, made by the governor general and council of Bengal, in the latter end of the year 1777, the president and council of Madras,

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Madras, in a letter dated the 16th of January 1778, informed them, "that Hyder Ally had at that time in the field a force, consisting, as they were informed, of about 30,000 sepoy's with small arms, 50,000 matchlock men, 28,000 horse, and 37 guns;" and they afterwards add, "that the revenues arising from his different possessions are immense, amounting, as they believe, to three-crores of rupees; that his whole attention seemed to be engaged by the Marattas, and his views confined to the preservation of his own dominions; that he had a vakeel at Pondicherry with Monsieur Bellecombe, from whom he received every assistance the French could then afford him; that Monsieur Bellecombe kept up a constant correspondence with him, and endeavoured all in his power to engage him in the interest of the French." And speaking of the great and dangerous power of the Marattas, they further add, "We think Hyder might, on such an emergency, (a Maratta war) be made an useful ally, as his troops are more warlike, better disciplined, and better appointed than those of any other power; but we are afraid the nabob could never be brought to act cordially in such an alliance, as he has long entertained a rooted enmity towards Hyder, and hath on several occasions manifested it, in opposition to his own interest. As to the soubah, little could be gained by a closer union with him; and our opinion, both in respect to him and the Marattas is, that we should endeavour, in case of a war, to prevent their taking part against us; but that we should prefer Hyder as an ally, whose assistance might be the most serviceable."

And Colonel Stuart, in his memorial of the 9th of December 1776, which was presented to the president and council of Madras, and which they highly commend, speaks of Hyder Ally as follows: "This man seems to be in the mouths of almost every body, as a bugbear to frighten and alarm; in England it is the same, and even the stock jobbers play him off in 'Change Alley. I have, with the most minute attention, collected from the company's records in England and elsewhere, informed myself of every material circumstance that led to, or occurred in, what is called the Balla Gaut war, and our differences with Hyder. I know also how that business concluded. I have in my possession a copy of General Smith's commentary upon that war, and have particularly noticed Hyder's letters, messages, and conversations in several periods of the war; from all which it appears to me, that on Hyder's part, it was also a war of self-defence; and, because I believe Hyder to be a sensible man, and to know his true interest, I conclude he was sincere, when he explicitly declared upon all occasions, and particularly to Mr. Hornby their chief at Tellicherry, and by his message by Mr. Stracey, whom he sent for that purpose to Madras, that nothing was further from his wishes, than a war with the company, because he knew they would in the end ruin him, but that in ruining him, he could so protract the time, and increase their expence, as even to distress the company by their conquest; and what is very remarkable, he warns Mr. Hornby of what he next year performed, that he would force a peace personally, by risking an invasion into the Carnatic. If at that time when he was successful, he concluded a peace without any material advantage or addition of territory, for what reason now, having no difference with him, does he want only to make incursions to burn and plunder this

country, when he must be sensible, that such conduct would draw upon him, not only the strength of this presidency, but also a regular system for his destruction, supported by the influence, arms, and immense treasury of Bengal; and his destruction would speedily follow, not by a Billa Gaut'land war, through the passes, and penetrating at an immense expence, to Seringapatam from hence, but by the co-operation of sea armaments at Mangalore, and from other parts on the Malabar coast? I shall never therefore be led to think, that, without any reason, he will bring himself into such difficulties; but if he does, I hope the force of the Carnatic alone will be sufficient to chastise him."

Your committee will conclude the information they intend to give of Hyder Ally, by the following account of his present force, transmitted by Sir Edward Hughes, in his letter to the Earl of Hillsborough, dated the 15th day of October, 1780.

Account of Hyder Ally's force now acting in the center of the Carnatic, and laying siege to its capital city, Arcot.

European cavalry,

Mounted under M. Pimorin	—	—	300
Ditto — M. Lally	—	—	80

Ditto infantry and artillery,

Attached to the guns of the different sepoy battalions	200	
	—	580

Muskees,

Under the command of M. Janon, a Portuguese	80
---	----

Topasses,

Under the command of Janon	—	—	900
Ditto — — Mr. Mills	—	—	700
	—	—	1600
	—	—	2260

Black cavalry,

Under Tepoo Saib, properly armed and accoutred, and cloathed in red

—	—	—	—	100
Ditto Ditto in green	—	—	—	100
				200

Under M. Lanfquenet, dismounted

—	—	200
Ditto Davis, Ditto	—	200
		400

Chosen horses, marked with Hyder's own chop—half with himself, and half with Tepoo Saib

20000

Irregulars (called Looty Wallens) of which no precise calculation can be formed, supposed to consist of

20000

40600

Sepoys,

Under Mahomed Ally, cloathed in red, three battalions of 1000 men each

3000

— Shaik Omar, cloathed in green, five battalions (attached to Lally's corps)

5000

8000

Carried over 50860

Sepoys,	Brought over	
Under Shaik Boudan, cloathed in red, four battalions	4000	50800
— Toleram (his own) sepoy, attached to Mr. Samuel Mill's topassies	1000	
		5000
Ditto irregular		8000
Matchlock and pikemen		20000
Rockets, 500 camels, each carrying a rocket boy and a matchlock peon, with 20 spare rockets; also a great number of bullocks carrying rockets, and a man to each, the whole supposed to consist of		1000
Lascars, supposed to be about		2000
		86,800

Ordnance.

Heavy guns, } Brefs { 20 } 70
 Field pieces, } { 50 }
 Howitzers — — 5

N. B. A large detachment employed under Meer Saib, in desolating the northern provinces of the Carnatic, and the Guntoor Circar, not included in the above.

Your committee will next proceed to lay before the House, a state of the company's forces on the coast of Coromandel; shewing, what were their numbers, what their condition and discipline, and in what manner they were stationed and distributed immediately before the irruption of Hyder Ally into the Carnatic.

The committee of secrecy that sat in the year 1773, have given an account of the military establishments and military regulations under the presidency of Madras, which subsisted at that time.

Your present committee find, that in the beginning of the year 1777, in consequence of the Tanjore country falling under the military protection of the company, the president and council of Madras augmented and new-modelled their army, upon a plan first suggested, in part by Sir Robert Fletcher, but afterwards much improved by Colonel Stuart, augmenting the number of sepoy battalions, viz. the Carnatic battalions from 12 to 16, and the Circar battalions from 6 to 8, diminishing at the same time the privates in each company from 86 to 65, which, together with the native non-commissioned officers, brought the strength of each battalion to 750 men; this, however, is exclusive of European commission and non-commissioned officers, in number 19, native commissioned officers in number 20, drummers 12, and puckally 10. For the information of the House, the committee have inserted the establishment of one of these sepoy battalions in the appendix. They at the same time raised five new battalions, of the same establishment and numbers, so that the force of the presidency, according to the establishments of that time, consisting of 29 sepoy battalions, amounting to 23,519 officers and men; to these are to be added a troop of cavalry, consisting of 48 officers and men, and two regiments of European infantry of two battalions each, which, according to their establishments, should amount to 576 men in each battalion, non-commissioned officers included, or 2,304 men in the whole, besides non-commissioned officers and staff,

and

and six companies of artillery, amounting to about 600, commissioned and non-commissioned officers included, besides European invalids and pensioners, amounting to about 900.

On the 29th of June 1778, upon receiving information of the war with France, the president and council ordered that 20 men be added to each of the battalion companies of 13 Carnatic and 8 Circar battalions, making an augmentation of 3,360 men;—but on the 5th of November of the same year, the select committee ordered, that the sepoy battalions, to which this augmentation had been made, should be reduced to their former establishment, and that the overplus sepoy which had been raised, do fill up the vacancies in the other battalions.

On the 16th of July, in the same year, they ordered their corps of artillery to be new modelled, making it consist of eight companies instead of six, each company having one captain, two lieutenants, two lieutenant fireworkers, five serjeants, six corporals, 10 gunners, 54 mattrasses, one drummer, and two fifiers, making 83; and the eight companies, amounting in the whole to 664, besides the staff, consisting of one lieutenant colonel, one major, one adjutant, one quarter master, one serjeant major, one quarter master serjeant, one drill serjeant, one drill corporal, one drum major, and one fife major, in all ten, which in the whole makes the corps to consist of 674.

And on the 26th of the same month, they gave orders for raising two more battalions of sepoy for the defence of the Circars.

Your committee do not find, that any further augmentations were made to these troops, till the 31st of July 1780, when, in consideration of the army's taking the field, and the garrisons in the Carnatic being weakened thereby, it was resolved, that such of the battalions of sepoy as remain in garrison, be ordered to augment their companies 20 men each. It appears by the select consultations, 23d September 1780, that Sir Hector Munro then recommended augmenting the sepoy battalions to 100 sepoy each company; but your committee do not find that any orders were issued in consequence of this recommendation, the general's minute being ordered to lie for consideration.

Your committee find, that the presidency and council of Madras frequently represented, that the European regiments were incomplete for want of a sufficient number of recruits from Europe; but the sepoy battalions were in general complete.—And on the 22d of December 1778, soon after the surrender of Pondicherry, General Munro reported to the select committee, that the sepoy corps appear, by the returns, to be compleat to the establishment of 750 men; and that there were about 250 supernumeraries to be disposed of as the committee should think proper.

The following is an account of the effective state of the company's forces on the coast of Coromandel, in January 1780.

Cavalry	- - - - -	48	
Artillery	- - - - -	562	Non-commissioned officers included.

Infantry, 2 regiments	- - - - -	2,028	Rank and file, including non-commissioned officers.
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European invalids and pensioners	853	
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Sepoye

L. 1781.

D E B A T E S.

63

Sepoys {	Carnatic, 21 battal.	16,279	Native officers included.
	Circars, 8 battal.	6,295	

Total native troops, officers included 22,574 as also a corps of sepoy independent, amounting to 763, native officers included, and 722 sepoy invalids and pensioners.

In this account, no notice is taken of the 2 battalions ordered to be raised for the defence of the Circars, on the 26th of July 1778.

It appears to your committee, that of the above troops, the nabob has long been engaged to pay ten complete battalions of sepoy; the charge of which, together with the expence of the garrisons, which he has also engaged to defray, amount annually to about four lacks of pagodas, as stated in the letter of the president and council of Madras to the governor general and council of Bengal, dated the 7th of December 1774.

And it further appears to your committee, that the rajah of Tanjore is under an engagement to pay annually to the company 4 lacks of pagodas for the military defence of his country.

Your committee find, by a letter from Governor Rumbold to the court of directors, dated the 15th of March 1778, that the troops of the company on the coast of Coromandel, were in excellent order. The governor declares, that a spirit of discipline seemed to run through the whole, and that he had seldom seen a more orderly body of men. And Governor Rumbold, in a letter to the chairman of the East India Company, dated the 31st October of the same year, expresses himself as follows: "I think it necessary to mention to you, in justice to Brigadier General Stuart, that one great advantage on our part, and which enabled us to carry the orders of the court of directors for attacking Pondicherry into immediate execution, was the state in which we found the army upon this establishment, at the time of receiving those orders, owing to the very seasonable augmentation that had been made, and the proper military regulations and discipline which had taken place, during the time he commanded the troops."

And Sir Eyre Coore, in a letter to the committee of correspondence, dated the 18th January 1779, bears testimony to the discipline and good order of these troops in the following words: "I have reviewed several of your corps since my arrival here, and can assure you with much pleasure, that they are brought to a perfection I could hardly have an idea of in this country. Your artillery is equal to any thing in Europe; and nothing is left us to wish, but an addition of numbers to both. The officers merit every thing that can be said in their praise, for the unwearied pains they have taken to bring the troops to the state they are in at present."

To the forces above stated, is to be added the first battalion of his Majesty's 73d regiment, amounting, according to the establishment, to 1082 men, non-commissioned officers included; and it appears by the last return, previous to Hyder Ally's invasion, that the effective strength of this battalion was, at that time, non-commissioned officers 72, rank and file 846, total 918.

918. And it appears to your committee, that 245 recruits for this battalion were sent out in the ships of last year, but were taken on their passage.

And your committee find, by a return, dated camp at Marmaloe, 1st November 1780, that the strength of this battalion, after the defeat of Colonel Baillie, consisted of non-commissioned officers 55, rank and file 568; besides missing, non-commissioned officers 11, rank and file 117, being part of the two flank companies of the battalion that were sent with Colonel Fletcher to join Colonel Baillie, and are supposed to be now either killed, wounded, or prisoners; and besides a detachment sent to Bengal, consisting of, non-commissioned officers 4, rank and file 50, 48 of which appear, by Sir Eyre Coote's return, to have arrived with him since at Madras.

Your committee also find, by the return of the 30th of November 1780, that there is in the garrison of Fort St. George 100 European militia, and in the Black Town 100 European and 1500 sepoy militia, formed into two battalions; besides 100 native Portuguese, and 100 black artillery, in the Black Town.

With respect to the distribution of these forces, your committee find, that it has ever been the uniform opinion of both civil and military persons, that for the defence of the Carnatic, as great a force as could be spared from the different garrisons should be collected in some central spot.

It appears to your committee, That this plan had been earnestly recommended by Generals Coote, Smith, and Fletcher.

The governor general and council of Bengal, in their letter of the 26th of January 1778, after observing upon the dispersed state of the troops appointed for the defence of the Carnatic, and particularly of the Europeans and artillery, proceed to say, "Those, who, when united, will form a most respectable corps, lose almost their whole apparent consequence, and much of their real substance, by such a division and dissipation of them; we believe, that the want of accommodation for the whole of your European establishment, may have rendered it, in some degree, an act of necessity; and we have no doubt but it has been occasioned by some powerful cause; but whatever it may have been, we cannot help recommending, as an object most worthy of your attention, to devise the means by which your European forces may be collected, and kept entire at your presidency, or within its reach, for in that light we regard the quarters of Poonomalle and the Mount; that all the other forts and passes be garrisoned by native troops; and that not a man of the several ranks of European soldiers and artillery, be detached from their proper corps. You will agree with us in opinion, that it is on the European forces which the company maintain in India that the present existence of their power, the future safety and duration of their settlements, essentially depend, and that these must lose both their discipline and strength, by being divided."

And in their letter of the 17th October last, they say, "Had the disposition been attended to, or the advice contained in that letter followed, the calamity, which their forces lately suffered, and which was owing to a division of the troops at a moment of emergency, would not have happened."—And Colonel Stuart, in his memorial before mentioned, of the 9th December 1776, proposes the following plan for stationing the troops, as best calculated, in his opinion, for the defence of the Carnatic: in time of peace, to have two cantonments, one near Conjeveram, the other near Tiagar, Volconda, or Trinamalle; six battalions of sepoys, and the grenadier companies of
some

some others, two regiments of horse, two companies of European grenadiers, and two companies of artillery, to form the first cantonment; and three battalions, and some sepoy grenadiers, and a company of artillery, to form the other cantonment; with a detachment from the European companies, to work the guns of the sepoys at each cantonment.

In time of war, when the army must be increased, the number at each cantonment to be double, or more if thought necessary.

Sir Hector Munro, in a letter to the governor and council of the 8th of November 1778, in treating of the disposition of the troops, soon after the surrender of Pondicherry, says, "It appeared to me also necessary, that they should be so disposed, that a considerable body might be formed, if necessary."

And Governor Rumbold, in his letter to the court of directors of the 15th of March 1778, writes, "It is my intention, with the advice of General Munro, to fix upon some convenient spot, within a day and half's march of Pondicherry, such as between Wandewash and Gingee, or more immediately within the Jaghire, and there embody as great a part of your army as can be spared from the defence of the straggling garrisons in the Carnatic; for if an enemy were to land to-morrow, they might get a footing before we could collect together part of your troops: I therefore judge it highly necessary to have an army in readiness to attack Pondicherry;—at any rate, a body of troops ought always to be in readiness in the Carnatic."

The following distribution of the troops on the coast of Coromandel, in January 1780, which has been laid before your committee, will shew how far any of these plans had at that time been complied with.

		Europeans.				European Invalids.	
		Cavalry.	Artillery.	Infantry.	Sepoys.	Artillery.	Infantry.
Cuddalore	—	0	4	1	446	1	28
Chingleput	—	0	0	1	63	4	275
Carrangooley	—	0	0	0	658	0	0
Conjeveram	—	0	0	0	0	0	0
Fort St. George	—	0	22	477	1,991	35	238
Mount	—	0	313	0	0	1	0
Madura	—	0	0	4	632	2	1
Madranticum	—	0	0	0	0	0	0
Ongole	—	0	2	2	158	2	0
Pondicherry	—	48	1	416	1,756	9	0
Permacoil	—	0	0	2	68	1	0
Palamcotah	—	0	0	7	789	3	0
Poonamalee	—	0	0	1	79	1	0
Surat	—	0	120	581	1,048	0	0
Trichinopoly	—	0	1	7	789	12	22
Tanjore and District	—	0	0	36	3,954	19	0
Tiagar	—	0	0	0	0	4	9
Wandewath	—	0	0	0	0	0	0
Trippasore	—	0	0	0	0	0	0
Vellore and Amboor	—	0	3	453	1,579	16	12
Vellum	—	0	0	0	0	4	0
Karrical and Nagore	—	0	0	5	399	0	0
Circars							
Chicasole	—	0	0	12	1,187	0	0

Vol. III.

K

Condapilla

		Europeans.				European Invalids.	
		Cavalry.	Artillery.	Infantry.	Sepoys.	Artillery.	Infantry.
Chandapilla	—	0	0	4	316	1	0
Coringa	—	0	0	0	38	0	0
Ellore	—	0	0	10	1,187	2	0
Ganjam and Itchapore	—	0	0	15	967	3	0
Guntoor Circar	—	0	95	144	3,524	3	0
Mazulipatam	—	0	1	29	1,153	8	121
Rajahmundry	—	0	0	1	0	0	1
Samul Cottah	—	0	0	4	281	0	0
Vantapollam	—	0	0	0	0	0	0
Vizagapatam and District	—	0	0	7	578	10	18

Your committee do not find, that in consequence of the intelligence received, subsequent to January 1780, of Hyder Ally's hostile intentions, any orders were given for bringing together any considerable body of troops, and forming them into an army for the defence of the Carnatic, previous to the 24th day of July in the same year.

In addition to the observation made by the governor general and council of Bengal, in their letter of the 17th October before-mentioned, on the dispersed state of the troops, Sir Eyre Coote, in his letter to the committee of correspondence of the East India Company, of 30th of November 1780, expressly says, "That the army was left in the same divided state as in time of the most perfect peace and tranquility; and the places of strength, which whilst we maintained, he (Hyder Ally) could never become Master of the Carnatic, were entirely neglected."

It appears by Lord Macleod's letter to the secretary at war, of the 13th of October 1780, That even on the 20th of July no attention was paid by the government of Madras, to the intelligence then received of Hyder's intentions: and on the 23d of that month, when his lordship told the governor, "that perhaps the report of Hyder's invasion might be true, and that he thought, at all events, they ought to take some measures to oppose him," the governor answered, "What can we do? we have no money!" But added, "We mean however to assemble an army, and you are to command it." And Lord Macleod's letter to the governor and select committee, of the 31st of that month, points out the difficulties and dangers to which the troops, in forming a junction, would then be exposed: And Mr. Sadlier's minute of the 29th of the same month, confirms the fact, "that no care had then been taken to assemble an army."

And your committee think it right here to refer to a former part of this report, wherein it is stated, that the president and select committee, in their letter to the governor general and council of Bengal, of the 18th day of August 1780, attributed the delay of bringing an army into the field to oppose Hyder Ally, to the distant stations in which the troops were scattered when he made his irruption into the province.

The motions of the troops, and the endeavours used to form an army, in order to attack Hyder Ally, and to relieve Arcot, and the unhappy disasters that ensued, from the said 24th day of July until the arrival of Sir Eyre Coote; and the condition in which he found the settlement, the garrisons, and the remaining troops, are already stated in the former part of this report.

Your committee will now insert a return of the troops, and their disposition, as transmitted by that general.—The return is as follows:

Madras,

CORPS, &c.

CORPS, &c.														
	Europeans.			Rank and file.	Staff.	Native.		Labourers to assist in working the guns, &c.	Smiths, carpenters, armouers, &c. &c.	Servants, balmen, water carriers, &c. &c.	Total, officers, &c. included.	Wanting.	Effective.	Wanting.
	Commissioned Officers.	Serjeants, and other non-commissioned.	Volunteers and Cadets.			Officers, non commissioned, and private.								
<i>Europeans.</i> Cavalry, one troop; engineers, artillery, 1 battalion and 8 companies; 1st battalion 73d regiment; 2 regiments, each 2 battalions; invalids, pensioners, and militia	253	581	81	3942	0	0	0	0	0	0	4857	517	32	0
<i>Sepoys.</i> Twenty-nine battalions; artillery, infantry, and militia; invalids, and Portuguese militia	335	138	0	0	269	28628	0	0	0	0	29370	64	0	0
<i>Laskars.</i> Attached to artillery and other corps, and at Bombay	0	0	0	0	0	0	2489	0	0	0	2489	0	0	0
Artificers with artillery, &c.	0	0	0	0	0	0	0	462	0	0	462	0	0	0
Bheastics, bildahs, leopards, and coolies	0	0	0	0	0	0	0	0	0	1500	1500	0	0	0
Total	588	719	81	3942	269	28628	2489	462	1500	38778	581	32	0	0

The disposition of these troops is as follows:

MADRAS TROOPS, 30th November 1780.

Artillery, 8 Companies.

European cavalry, 1 troop	—	—	with the army.
1 company	—	—	missing.
1 do.	—	—	Fort St. George.
1 do.	—	—	Malabar Coast.
1 do.	—	—	with the army.

European Infantry, 2 Regiments, 4 Battalions.

1st battalion, 1st regiment.	1 Company	—	—	Malabar coast.
	5 Ditto	—	—	Vellore.
	3 Ditto	—	—	were at Arcot; are returned to Madras prisoners by capitulation, not to serve against Hyder Ally during the war.
2d battalion, 1st regiment.	1 Company of grenadiers	—	—	missing.
	1 Ditto	—	—	Malabar coast.
	7 Ditto	—	—	with the army.
1st battalion, 2d regiment.	7 Companies, including grenadiers	—	—	Malabar coast.
	2 Ditto	—	—	missing.
2d battalion, 2d regiment.	1 Company of grenadiers	—	—	missing.
	2 Ditto	—	—	with the army.
	6 Ditto	—	—	Fort St. George.

Carnatic Sepoys, 21 Battalions.

1st battalion	—	—	—	missing.
2d Ditto	—	—	—	with the army.
3d Ditto	2 Companies grenadiers	—	—	Malabar coast.
	8 Ditto ditto	—	—	Madra.
4th Ditto	2 Companies grenadiers	—	—	Malabar coast.
	8 Ditto	—	—	Fort St. George.
	2 Companies	—	—	Vellore.
5th Ditto	2 Ditto	—	—	were at Arcot; are returned to Madras in number 44; the rest missing.
6th Ditto	2 Companies grenadiers	—	—	with the army.
	8 Ditto	—	—	Trichinopoly.
7th Ditto	6 Companies	—	—	missing.
	4 Ditto	—	—	Fort St. George.
8th Ditto	—	—	—	Malabar coast.
9th Ditto	2 Companies grenadiers	—	—	with the army.
	8 Ditto	—	—	Tanjore.
10th Ditto	—	—	—	Pallamcottah.
11th Ditto	—	—	—	missing.
12th Ditto	4 Companies	—	—	Kirricall & Nagore.
	6 Ditto	—	—	Cudalore.
13th Ditto	2 Companies grenadiers	—	—	with the army.
	8 Ditto	—	—	Tanjore.
14th Ditto	2 Companies grenadiers	—	—	missing.
	1 Ditto	—	—	Wandewash.
	7 Ditto	—	—	Poonamallee.
				15th Ditto

A. 1724.

15th Ditto	2 Companies grenadiers		—	—	missing.
	1 Ditto		—	—	Wandewash.
	7 Ditto		—	—	with the army.
16th Ditto	2 Companies grenadiers		—	—	missing.
	5½ Ditto		—	—	with the army.
	1 Ditto		—	—	Permacoil.
17th Ditto	½ Ditto		—	—	Chingleput.
	3 Companies grenadiers		—	—	missing.
	8 Ditto		—	—	with the army.
18th Ditto	2 Companies grenadiers		—	—	with the army.
	8 Ditto		—	—	Tanjore.
	5 Companies, grenadiers included		—	—	with the army.
19th Ditto	1 Ditto		—	—	Tiagur.
	1 Ditto		—	—	Gingee.
	3 Ditto		—	—	Trichinopoly.
20th Ditto	—		—	—	Malabar coast.
21st Ditto	2 Companies grenadiers		—	—	missing.
	8 Ditto		—	—	with the army.

Circular Sepoys, 8 Battalions, and 5 Independent Companies.

1st Battalion	{ 6 Companies	—	—	Chicacole.	
	{ 4 Ditto	—	—	Vizagapatam.	
2d Ditto	—	—	—	missing.	
3d Ditto	{ 2 Companies grenadiers	—	—	with the army.	
	{ 2 Ditto	—	—	Mazulipatam.	
	{ 6 Ditto	—	—	Condapillie.	
4th Ditto	{ 2 Companies grenadiers	—	—	with the army.	
	{ 8 Ditto	—	—	Mazulipatam.	
5th Ditto	—	—	—	Chicacole.	
6th Ditto	—	—	—	Ganjam and district.	
7th Ditto	{ 5½ Companies, grenadiers included	—	—	Samu'cottah.	
	{ 2 Ditto	—	—	Fort St. George.	
	{ 2 Ditto	—	—	Mazulipatam.	
	{ ½ Ditto	—	—	Coringa.	
8th Ditto	{ 2 Companies grenadiers	—	—	with the army.	
	{ 1 Ditto	—	—	Mazulipatam.	
	{ 7 Ditto	—	—	Ellore	
Independents,	5 Companies	—	—	Ongole.	
Sibendy Sepoys, 2,727.	{ Tanjore 3 battalions, consisting of	—	—		1,749
	{ Mazulipatam	—	—		495
	{ Vizagapatam	—	—		300
	{ Ganjam	—	—		183
European Militia, 200	{ In the garrison of Fort St. George	—	—		100
	{ In the Black Town	—	—		100
Native Portuguese.	{ In the Black Town	—	—		100
	Militia Sepoys. In the Black Town, 2 battalions	—	—		1,500
Black Artillery.	In the Black Town	—	—		100
					Invalids.

Invalids. { Europeans 828 } in the garrisons of
 { Sepoys - 850 }

{ Fort St. George,
 Chingleput,
 Cuddalore,
 Trichinopoly,
 Mizulipattam,
 Vizagapatam.

N. B. The troops under the head, "with the army," are cantoned in the environs of Madras; and those mentioned "missing," are those that were in the actions against Hyder Ally, under the command of Lieutenant Colonel Baillie.

As two detachments appear to have been sent from the army, under the presidency of Madras, and to have thereby diminished the force appointed for the defence of that presidency, your committee think it right, before they conclude this head of enquiry, to state the numbers which composed the detachments, and by whose advice they were sent.

Your committee have already observed, that on the 7th of December 1778, the select committee at Fort St. George resolved to make preparations for the expedition against Mahé, and requested General Munro to prepare a list of warlike stores, and an arrangement of troops, necessary for the expedition.

The 10th of December General Munro recommended, that the following troops be ordered on the expedition to Mahé viz.

Europeans, 1st battalion 1st regiment, sepoy, 4th and 20th battalions, Artillery, three companies.

Lascar, 200.

The 22d December, in consequence of advice being received from Tellichery of the state of the French at Mahé, and of the country powers around them, the committee agreed to add another battalion to the force intended to be sent to Mahé, which then stood as follows, viz.

1 battalion of Europeans,
 3 companies of artillery,
 3 battalions of sepoy, and
 200 lascars

And in a letter from the select committee of Fort St. George, to the select committee of Bombay, the force ordered on the expedition against Mahé is stated as follows, viz.

1 battalion of Europeans	439	
3 companies of artillery	150	Europeans.
		589
3 battalions of sepoy, each	750	sepoy.
		2,250

Your committee find, that this force went to attack Mahé, and that after the surrender of that fort, which happened on the 19th day of March 1779, a part of the said detachment, viz. Two companies of artillery, the battalion of Europeans, except one company, and two battalions of Sepoy, exclusive of grenadiers, returned into the neighbourhood of the presidency.

And your committee find, that in consequence of a requisition made by the governor general and council of Bengal to the presidency of Madras, that they would give directions to the officer commanding at Mahé, to join

General

General Goddard with his detachment as soon as the fortifications of that place were destroyed, the said presidency gave orders, on the 18th day of October, 1779, to Colonel Braithwaite, commanding their troops at M. é, to join General Goddard with his detachment, consisting at that time of one European company of infantry, one company of artillery, six grenadier companies, and eight battalion companies of sepoys, which was all the force they thought themselves warranted to spare in the situation of their affairs at that time.

On the 30th of December 1779, they received letters from Colonel Braithwaite acquainting them, that having entirely raised the fortifications, and removed the stores from Mahé, he was preparing to carry into execution their orders for reinforcing General Goddard with his detachment, when a requisition was made to him by the chief and factory at Tellicherry, for the whole detachment to act in defence of that settlement, which was closely pressed by a powerful attack from the Nairs, supported, though not openly, by Hyder Ally, to whom the gentlemen at Tellicherry had given offence, by protecting a chief of the Nairs, who was obnoxious to him.

Under these circumstances, Colonel Braithwaite thought proper to remove with his detachment for the defence of Tellicherry, which was fully accomplished by the addition of this force, though the Nairs continued assembled in numerous bodies at a small distance, making irregular attacks on the company's troops, and threatening to take any advantage that might offer, by the reduction of their strength, to destroy that settlement.

And your committee find, that as soon as the government at Madras received advice of the detent on of the troops at Tellicherry, in manner before mentioned, they determined, upon a motion made by the president, to send, at all event, immediately from thence, a respectable reinforcement to join General Goddard's army at Surat, and accordingly ordered a compact battalion of Europeans, one company of artillery, and a battalion of sepoys, to hold themselves in readiness to proceed. His Majesty's ship Seahorse being then in their road, with a large company ship called the Hortendon, the battalion of Europeans and company of artillery were, in a few days, embarked on these vessels, and sailed for Surat the 6th of January. The battalion of sepoys, for want of transports, could not proceed at the same time, but embarked from Tellicherry the 11th February, on the ships Besborough, Duke of Grafton, and Atlas.

And it appears to your committee, by the return dated the 30th November 1780, that the whole force belonging to the presidency of Madras, which was then lying on the Malabar coast, consisted of two companies of artillery, nine companies of Europeans, and twenty-four companies of sepoys. These numbers appear exactly to comprehend the before mentioned troops at Tellicherry, and the detachment sent to Surat. And it does not appear to your committee, that the force of the Carnatic had been weakened by any other detachment when Hyder Ally invaded it.

It is proper, however, that your committee should here observe, that the president and council of Madras appear to have been always averse to making any detachment to the Malabar coast, for the purpose of arriving on the war against the Marattas; and when the presidency of Bombay first applied to them for assistance, in the beginning of the year 1778, they absolutely refused.

refusal to grant it; and in a letter to the court of directors, dated the 5th February 1778, which will be found in the appendix, they state their objections to this measure, declaring, that they should be unjustifiable if they were to detach any part of their troops upon so distant a service, from whence it would be impossible to recall them, however pressing the occasion, in less time than five or six months; and they add, that as far as they can judge from the present situation of affairs, it would not be prudent in them to detach any part of their force on this service, though it should meet with the sanction and approbation of the supreme council of Bengal: and when they were afterwards informed by a letter from the said supreme council, that they had resolved to support the views of the gentlemen at Bombay, under certain limitations, and desiring them, in case they should renew their application for troops, to comply with it; the presidency of Madras still continued of the opinion before expressed; nevertheless, they thought it proper, in consequence of the letter received from Bengal, to desire General Munro to inform them how the detachment required for Bombay might be most conveniently formed, that no time might be lost, should it be hereafter determined to send it.

And your committee find, that when on the 30th August 1779, they received a letter from the governor general and council, dated the 2d of that month, requesting, that one battalion of Europeans, three battalions of sepoys, and fifty artillery men, together with the detachment serving at Mahé, might be sent to join General Goddard, they delayed taking this business under consideration till the 18th October, and then ordered only the detachment at Mahé to join General Goddard (which was detained at Telli-chery in manner before stated; and when they afterwards sent to Surat a further reinforcement to join General Goddard, as is already mentioned, they made it less, by two battalions of sepoys, than that which the governor general and council had required of them; and they complain in strong terms (as will be seen in their letter of 3d April 1780, which will be found in the appendix) that the true object of this reinforcement was concealed from them by the governor and supreme council.

It is proper that your committee should further observe, that the governor general and council of Bengal, in requesting that these detachments should be sent from the Madras presidency to join General Goddard, acted upon the advice of the commander in chief, Sir Eyre Coote, who gave it as his opinion, that from the last returns the request might with propriety be complied with; and in the letter written by the governor general and council of Bengal to the presidency of Madras, on this occasion, it is expressly said, that the commander in chief had informed them, that one battalion of Europeans, three battalions of sepoys, and fifty artillery, might be spared from that establishment, now the works of Pondicherry are demolished, without any loss or inconvenience to the service; and that the residue of the forces under that presidency would be sufficient for the protection of their possessions. As your committee find, however, that the expediency of sending these detachments to join General Goddard was largely discussed by the governor general and council of Bengal, in their secret department; they have thought fit to set out at length in their appendix, for the information of the House, their proceedings on this occasion.

Besides

Besides the troops belonging to the company, which we have already stated, there are also other forces which ought to contribute to the security of the Carnatic; viz. the troops of Muhomed Ally, the nabob of Arcot: your committee called therefore for the last return of these troops; and were informed by the servants of the company, that they were not possessed of any part of the nabob's troops. Your committee find, that the governor general and council of Bengal, in their letter to the presidency of Madras, of the 26th day of January 1778, desired to be furnished with a return of the nabob's troops. And Governor Rumbold, in his letter to the nabob of the 15th April, called in request to receive from him his annual account of the troops, and of the money actually paid and received by him. And in another letter of the 26th of May following, the governor again urges the nabob to communicate to him from his particular I had requested; the nabob in answer to a letter on the 11th of June, and all the account he gives thereof of the troops in his pay, was as follows: "I have reduced my troops to a number just sufficient for keeping up the collections of my country and securing the frontiers."

"During the war with Hydr Ally, I had often heard that our bad success proceeded from our not having horse, and I endeavored a few under the command of Mr. Keble and Mr. B. G., but could not secure much better, and by buying a few more, so that through the charge of maintaining them, they were of little service."

But to justify my expense on, I had two regiments of horse, and the cavalry were of great both ages of that place, is well known to be the case. After a few weeks taken, Mr. Lynch and Mr. St. John often were consulted for to assist in the body of horse, since the increase of a revenue, and the necessity of the additional charge, and as I have nothing more at present to say of my pleasure in the service of the company, I raised five regiments of horse, in addition to the former two, now made my establishment of 10,000 men. I feel accountable to you with these particulars, and I am aware of the sum which I was obliged to lay out on the purchase of horses, and on the maintenance of them. At this time, when I am obliged to be long absent from my country for the above purpose, I received no money from the Bengal company, and in my present situation, I find it impossible to be at such a charge, from experience, I am convinced of the difficulty of keeping up more than what can be regularly paid; this matter is referred to my horse to a regiment, which is commanded by the Major General, and the manner in the European manner, when I want more and broad cloth for the use, I shall apply to you, that I may be supplied with them out of the company's store. The regiments have been put by me under the command of my beloved son, Mr. John Behauder, who will take particular care in regulating and disciplining them. A part of the country has also been allured towards paying off their arrears and present pay, that they may undergo no difficulty in future. I have spent the best part of my life in maintaining my friendship for the English nation, and fighting against their enemies; and I have engaged my children in the same principles of friendship for the English. As I consider my above mentioned son as my second self, and my blood runs in his veins, he will find the highest satisfaction in devoting it, with that of the troops, in the service of

the English, whenever it is required, in the same manner as I have done, and be ever ready, in conjunction with the company's troops, either in defence of the country, or in fighting against the enemies of my friends, to surpass even the valour of European troops.

"I have given you the above circumstantial account for your information. The public account of the troublesome state of affairs in Europe, have in some degree helped to increase my vigilance and anxiety to have these things properly settled: but not only at this time, but at all time, I am and shall ever be ready to manifest my hearty friendship for the English nation.

"As my troops are now upon a point to sting, and their affairs settled, I shall soon discharge the balance of my debt to the company."

To this unsatisfactory account of the troops of the nabob, given by himself, your committee could do other use than, which they find in the records of the company, concerning the number of these troops at different periods, but as it makes the numbers different in each period, and relate to times antecedent to the history of the nabob's situation, they do not think it necessary to insert it in the body of their report, nor have added it to their appendix: they will insert here, however, an account of the nabob's force, as it stood in the year 1776, which was presented to the Hon. Colonel Mordaunts, whom your committee thought fit to consult, as it is the subject and most competent has have been

Annexed Material by Act, for the Company.

Regulation

Number

Cavalry	7 Regiment, of 5 troops of 100 men each, to which are attached 2 companies of light armed infantry, and two hundred pieces drawn by horses, to the first and second regiments are 4 companies attached, to each troop and company are 5 troops in office	5,500
Topasses.	A battalion of 10 companies of 75 men each—natives of the country, and 2 subalterns to each company	750
Artillery.	Regimented 6 companies of 100 men each, chiefly Mahomedans and Rajputs—to each company is in Europe in captain and subalterns	600
	This corps was to be increased to 1,000	
Battalions	Of sepoys 16 with European officers—10 companies to a battalion, and each company consists of 100 men, the sepoys are in general much better than any in the company's Carnatic battalions	1600
Irregular Cavalry	—	3000
Don Ryah, Varkatty Garry Ryah, and Kill Ryah	the Nabob's command, horse and infantry, at least	10,000
		35,850

I report are Schendy sepoys or peon, and the same kind of men are employed under the different names of amuldras; also in every fort are gunners, and the Rajpoots or Mahomedans.

The

The number of European officers in the nabob's service, nearly 200, of all nations.

The artillery men who manage the guns that are attached to the cavalry, &c. for included in the regimented artillery, and may be reckoned at least 200.

It would be endless if your committee were to report all they find on the records of the company concerning the conduct of the nabob's troops, which in general are represented as bad. Colonel Muthew informed your committee, that in the year 1766 the 16th battalions of Sepoys which the nabob then had, were in good order, though not so well disciplined as those of the company. His cavalry were in very bad order, exceeding, it appeared, owing to his want of paying them, and that whole regiment frequently mutinied and confined themselves, and deserted by great numbers. Hyderabad. The artillery was in general in the state of Madras. I had no occasion to say any thing of the condition of the artillery at that time, as it was in the southern part of the Carnatic, but that the treatment of them have behaved exceedingly well in the siege of Fort St. David Pondicherry.

He further informed your committee, that most of the good recruits were entered and enlisted into the nabob's service, which was the reason that the company's soldiers, in respect, were then they formerly were, consisting of most of the lower cast, instead of being of the higher casts, or Moors, of which they used to be composed.

Colonel Stuart, in his memorial presented to the president and council of Fort St. George the 16th December 1776 observes, that the nabob's troops, he observes, were in July 1776, and therefore not kept in constant discipline and exercise, and, as he thinks, he much depended on in the present state.

The nabob's council, at Fort St. George, in their letter of the 2d July 1777, say, that the nabob's troops, from the large arrears contracted by owing to him, were not only become useless, but really dangerous to himself and to his country, and they afterwards add, that they had reason to apprehend, from the conduct of some of his cavalry which had actually mutinied and confined themselves, that there would shortly have been a general revolt of the whole army belonging to the nabob. And Governor Rumbold, in two letters, to the nabob, dated the 7th August and 1st December 1778 (which your committee have put in the Appendix) represents a mutiny of the nabob's cavalry, particularly of two regiments, in the most alarming light. —He says, in his first letter, that there is an absolute necessity for discharging the 3d regiment, that had mutinied, without loss of time, and that the rest of his troops should either be paid regularly, or totally disbanded, otherwise the Carnatic will be in more danger from them than all his enemies together. And he concludes his letter in these words, "I had it some means be not immediately taken to establish them (the nabob's troops) on a better footing, I shall earnestly recommend to you to disband the whole, and trust entirely to the company for the protection of your country, which will be much safer, and less expensive to you, than the present mode." —And in his second letter, in which he gives an account of the revolt of the 2d regiment of cavalry, he says, "That this mutiny, in all its circumstances, is like to what has already happened in various parts of the Carnatic." And he afterwards adds, that the danger is now become so alarming to the safety of the country, and threatens such violent consequences to the lives of the innocent

tary of the defence of the forts, has furnished those who were stationed in them with an easy excuse for having so tamely given them up."

And in representing the difficulty of sending supplies of stores and provisions to the remaining garrison, he adds, "in both of which they have been kept scandalously deficient."

In his letter to the court of directors of the 30th of November 1780, he says, "that the draught billock is deficient in numbers, and of what there are, many are so weak as to be inadequate to the service required of them—that provisions of every kind were so scarce, that the troops in camp could only procure a scanty supply for one day's expence. The whole country around within five miles of Madras was entirely plundered and laid waste by Hyder's cavalry, that large bodies still continue to infest it, of course no provisions are to be procured here and there, the hostile country and inhabitants were maintained chiefly by supplies from Bengal, and upon which, he was sorry to observe, they must principally depend for their future support."

And Mr Sadler in his minute of the 29th of July 1780, a few days after certain account arrived of Hyder Ally's approach, says, "In stead of assembling together our army as was capable of making some head against him (Hyder Ally's force) and putting our garrisons in a state of defence, and providing the means by which an army might be supported, our unhappy inactivity prevailed over every duty which we owed to our own characters, to our employers, or to the miserable inhabitants of a country, now suffering from fire and sword, who depend upon us for protection."

He further adds, "That our troops were scattered in small detachments, without stores or guns, that our principal garrisons were without ammunition, stores, or provisions, to enable them to bear a siege, that a number of small forts in the Carnatic, such as Wandewash, Changanooly, Arce, and many others, he possessed of which have cost us so much blood and treasure, are either left defenceless, or garrisoned by a few companies of the nabob's sepoys, who have not been paid for 18 months."

And for further information on this head, your committee think proper to refer to a former part of this report, where it is stated, "that the nabob complained of the few troops he had to defend the garrison towns, and that many of them required store and repairs to the fortifications, and that his capital would soon be attacked, if it was not strengthened with additional troops and fortification, that he had lodged great magazine of all kinds of stores in it, and the principal forts of Vellore, Gingee, Wandewash, and Trichinopoly."

They refer also to another part of this report, where it is stated, "that the rajah of Tanjore, and Major Maclellan, who commanded the company's troops at Tanjore, represented the necessity of repair to the fortifications, and of reinforcements to the troops for defence of the country, and of artillery men to work the guns in the forts, there being none at present there, but a few invalids."

They refer also to Messrs Smith and Johnson's minutes of the 18th of October 1780, he observed, where it is said, "That the first intelligence they had of Hyder Ally's motions, was accompanied by accounts that his cavalry had actually burnt Conjeeveram, and finding nothing to oppose them, were pushing on towards Madras, and that the majority neglected to take any one

step by which their safety might be secured, until the enemy's army had entered into the heart of the Carnatic, and penetrated to a great extent both north and south; and that for several days after the invasion, the same unhappy indifference and inactivity prevailed."

They refer also to other parts of this report, where it appears that Sir Hector Munro, with his army, were in great want of provisions, both while they were at Conjeveram and in their retreat from thence, being at the risk of these places obliged to beat out paddy (rice in the husks) for the immediate subsistence of his troops; and unable to march from thence with the whole of his force, in order to form a junction with Colonel Baillie, for fear of abandoning this, the only store of provision which he had.

And your committee find, that Major George Maule, chief engineer of Fort St. George, having, on the 31st of July 1780, represented to the select committee, the necessity of expediting some works to the fort, which, he says, would, before that time, have been in a complete state of defence, and that the quantity of materials which he had every reason to expect had been supplied; and having applied for several other things to be done, which he thought necessary for the defence of the fort, the select committee gave orders accordingly.

For the further information of the House on this subject, your committee have inserted, in the Appendix an account of ordnance and military stores sent to Fort St. George from the year 1775 to 1779, both inclusive; and also an account of arms, ordnance, ammunition, military stores, and provisions, remaining at Fort St. George in December 1779 and January 1780.

And your committee observing, That Sir Eyre Coote, in his several letters to the secretary at war and the court of directors, complains that Pondicherry, excepting the fortifications which had been destroyed, is every other respect open and convenient for the reception of the French in case of their landing in that country; that when it was evacuated by our troops, on Hyder Ally's invasion of the Carnatic, all the French inhabitants were left in undisturbed and ample possession of their houses, with only a resident to tend over them; the consequence of which has been, that they have risen in arms, have robbed the resident, and with fixed bayonets at his breast, obliged him to sign a paper, the contents of which he knew not, and have raised two or three battalions of sepoys, which they call Hyder's, and which he, no doubt, pays for, but which bear evident marks of the choice of men being French, as they are chiefly composed of the who were formerly in their service, as stated before; and as the neglect of the company's servants in this respect may be imputed as one cause of the present state of the Carnatic, your committee have thought it right to inquire into the conduct of the company's servants on this occasion: and they find, by the 12th, 13th, 14th, 15th, 16th, 22d, and 23d articles of capitulation for the surrender of Pondicherry, dated the 17th October 1778 (which are inserted in the Appendix) that the fortifications and public buildings of Pondicherry were not to be destroyed until further instructions were received from Europe—that the ecclesiastical and religious orders, as well as the missionaries, were to be supported in the full enjoyment of their houses, their property, and in the exercise of their religious functions, as long as they behave with propriety, and do not endeavour to make converts of persons professing

professing the Protestant religion—that the French subjects, except military officers, were permitted to remain at Pondicherry, without molestation, and to enjoy the same protection as the free subjects of his Britannic Majesty; and upon taking the oaths of allegiance to his Britannic Majesty, were allowed to trade under the protection of the British flag, and at all times to go whither they please—and that the sepoy, or other Indians, of whatever cast or religion they be, who had served under the French flag, should not be troubled or molested in their possessions, or in their persons, on account of their services, and of their attachment towards the French nation; and that they, as well as all other French European, or Indian subjects, should be protected from the power of all Indian princes.

And your committee find, That the president and select committee of Fort St. George, in their letter to General Munro, of the 20th October 1778, approved, in general, the articles of capitulation, but expressed a wish that they had been left more at liberty with respect to the fortifications of Pondicherry; but General Munro, in his letter of the 23d of the same month, desired his conduct in this respect, by referring to a letter from the secret committee of the court of directors, dated the 15th of April 1778, wherein it is said, “In case of a successful attack on Pondicherry, it will be expedient as war is not yet declared against France, that every thing should remain in the state it may be in at the time of the capture, as far as can be consistent with the company’s possessions.”

And your committee find, That on the 14th of January 1779, the presidential select committee began to make preparations for the demolishing the fortifications of Pondicherry; and having on the 11th of March following, received further dispatches from the secret committee of the court of directors, dated the 31st of August preceding, by Colonel James Capper, they unanimously resolved, that the fortifications be demolished without loss of time; and that the nabob be applied to, to assist on this occasion with as many labourers from his country as he can possibly spare.

On the 31st of March, Instructions were given to Captain Thomas Gies for this purpose, directing him to confine himself to the demolition of the fortifications, which must be accomplished in the most effectual and expeditious manner.

And your committee find, That on the 29th of July 1779, the president and select committee resolved, that the only building within the town of Pondicherry that should be destroyed, was the powder magazine; and they gave directions for the destruction of it, as soon as the miners could be spared from the fortifications.

And your committee find, That on the 31st of October following, Captain Gies reported to the president and select committee, that the fortifications were effectually destroyed.

Your committee think it proper next to observe, That it appears by the proceedings of the president and select committee of Fort St. George, of the 11th of March 1779, that it was Sir Eyre Coote’s opinion, “That the force of the company was much too weak to afford a proper garrison for that place as for Madras; and that it would be utterly impossible to put an army in the field without abandoning Pondicherry altogether, or leaving it in a state so insecure as to render it a sure sacrifice to any force, however inconspicuous, that might attack it.

With

With respect to the instructions given at the time that the troops were ordered to march from Pondicherry, in consequence of Hyderally's invasion, for removing from thence the French officers and veterans, and such other persons as it was improper to leave there, and the manner in which these instructions were executed, your committee think proper to refer to extracts of two letters from Colonel Braitwaite, commanding the troops at that place, of the 8th and 11th of August 1780; which are all the information your committee can procure on this subject, and are as follows:

Extract of a letter from Colonel Braitwaite to the president and select committee at Fort St. George, dated Pondicherry, the 8th of August 1780.

"Honourable Sir, and Sirs,

"In consequence of the governor's advice, to send from thence the military French officers and veterans, and such persons as I thought improper to remain in Pondicherry at this juncture, I signified, by letter to Messrs. Pivron and Cagnive, and all the military, that it was your orders that they must prepare to embark in twenty-four hours on board his Majesty's ship *Sutrin*, in order to go to Madras.—My reasons for pitching on Mr. Pivron were, that as attorney general for the French King, he might be excited to take a leading part in any attempt to re-establish the French flag here when I was gone, because there were many reports concerning him, and because he had long since promised to repair to Madras, to withdraw an unjust inemorial he had written in to you, and had not been as good as his word, and because from his situation he might have great influence over the minds of the French inhabitants, and the natives lately subordinate to the French government: my reasons for pitching on Mr. Cagnive were, that he was reported to be a great politician, and that his garden house was every evening a place of general rendezvous for the French, when their discourse naturally turned up on their own nation, and its present prospects in India, and I considered such meetings as likely to animate them imperceptibly to improper conduct, and because, by Mr. Guy's report, he had shewn repeated contempt of your authority, by refusing to shew the title by which he held his plantation.—However, upon a long private conversation with these gentlemen, in which I gave them a great deal of advice, which they promised to follow, I told them, that if they would declare in writing what they so readily declared in discourse, I would take upon me to dispense with their being hurried away in this manner, and that I was sure you would approve of my conduct—they cheerfully signed the enclosed declarations, and I have permitted them to remain, and I believe this alert on them has produced very good effects. I had other reasons also for permitting them to stay, which I shall have the honour of communicating in my letter to the governor—all the military who were in any situation to render service, I have sent, as you will see by the enclosed list. They complain much, the officers, as if they have been suspected of breaking their parole. I assure them no such thing is suspected, but as the committee is bound to transmit them to Europe, and we may suddenly leave this place, it is necessary they should be at Madras, that the company may have it in their power to fulfil their engagements, and besides, should we be constrained suddenly to leave it, and the enemy were to come into it, it would be a shocking thing for you to

that brave gentlemen of honour might be reduced to suffer the most inhuman treatment in consequence of their persisting in their paroles.

" This argument seems to have weight with them, not but they want to stay; and say, that even was a French fleet to come, they would never in any respect act contrary to their paroles; and as to Hyder, he might cut them to pieces, but that they never would serve him.

" I have shipped off all the guns, among which are nine of Mr. Amelrick's, for which I shall give him a receipt on the honourable company's accounts. I am sorry to inform you, that upon Captain Nodler's having, as he passed through here, praised the brass twelve pounders very much, I was at great trouble in fixing ammunition, and getting bullocks for them, as a brigade for the European battalion; but as Captain Rigault has positively declared them unfit for immediate service, I have dismounted and embarked them, and the European corps will march without guns.

" I have also shipped off as much powder and shot as his Majesty's ships can receive, and have sent other stores to the Sartine, till the last boats were sent back, the captain declaring that he could not receive a single thing more—I am now loading some Chilingas with powder to send to Cuddalore—I hope other conveyances may arrive, or I shall have much to destroy.

" I will not, honourable Sir and Sirs, trouble you with a detail of the difficulties I have had to encounter; they will occur to you: and if in some things I may have deviated from the regular mode prescribed for carrying on business, I trust you will rather commend than blame me for my exertions to put the troops under my command in motion, and of course to furnish them with what was necessary; also to disencumber myself of powder and stores in the securest manner: and if it shall be found in the end, that I have done this in as expeditious a manner as the circumstances would admit, and without violating the capitulation, by using either force or menaces to any inhabitant of Pondicherry, or possessing myself of an atom of their property, or an hour of their labour, that has not been paid for, I flatter myself that I shall have merit in your eyes; that I shall be excused for having given a receipt for money on the public account; more particularly when you will see that I have given my own private security for nearly as much more.

" I have not signified to any one in Pondicherry, that I have yet received positive orders to move, of which I shall speak farther in my letter to the governor.

" There were some prisoners here under sentence of a court martial, the proceedings of which go by this conveyance to the Judge Advocate General: as there were six of them tried for desertion to Hyder, I thought them very improper incumbrances for this detachment, they are therefore sent on board the Sartine—Captain Sydenham has been written to concerning them, and I have also advised the general of this measure with them; I also send the French deserter from Hyder's army, who I am convinced is an impostor.

" It would be unpardonable in me not to take this earliest opportunity to inform you of the great assistance I have received from Rear Admiral Sir Edward Hughes, and all the commanders of his Majesty's ships, nay, every individual in the fleet.—They have shewed that anxiety for promoting the public service on this occasion, which is the admiration of all the inhabitants of Pondicherry, who have been little used to see such conduct in their marine, and

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and have done every thing in so polite and hearty a manner, that I have no words to express my obligations to them. The admiral only waits for a wind, intending to continue his course to the southward as soon as he can.

" I cannot, honourable Sir and Sirs, conclude this letter without recommending to your humane consideration the officers and veterans now sent to you ; many of them leave very distressed families, and will not be able even to support themselves at Madras, unless allowed free quarters, and even perhaps some encrease of pay.

" I particularly point out to you, old M. Manceau ; his age and distresses would have induced me to pass him over, but his long and meritorious services, as an experienced and brave officer, make him too dangerous a man to be left within the reach of Hyder's people, who would force him to be useful to him, in spite of his unwillingness to act.

" I beg leave to call to your mind, the particular situation of the women and children of the detachment under Colonel Brown, who were left here to receive a monthly subsistence, which is actually stopped from the soldiers at Surat, and amounts to about one thousand pagodas per month. I shall now refer you to the monthly returns, and shall only add, that there is a fair prospect of my moving by the night after to-morrow ; and that I shall carry with me fifty barrels of powder, and a great deal of spare musket ammunition, so as to be able, if it should be wanted, to push any immediate supplies into the little frontier forts. I have already furnished Cuddalore with powder and stores, and Pamacoil with fifty barrels of powder ; and I hope to carry to meet the general, a great number of spare bullocks, both draught and carriage : but with respect to provisions, as all here is the private store of the inhabitants, I fear I cannot do more than furnish myself for my march.

I have the honour to be, &c.

JOHN BRAITHWAITE."

Extract of a Letter from Colonel Braithwaite to the President and Select Committee at Fort St. George, dated Camp on the Red Hills, August 11th, 1780.

" Honourable Sir and Sirs,

" I have to assure you, that if you do not very soon send protection to Pondicherry, the inhabitants will be gradually armed. I have reason to think the minor or polygar is a great rascal : he never would come to me, or any of your commanding officers ; and this afternoon, as soon as the last guard of mine was come away, he went in great state to Mr. Piveron, and has proposed to arm a number of his own people, old French Sepoys. He should be sent for to Madras.

I have the honour to be, &c.

JOHN BRAITHWAITE."

Your committee will conclude with calling the attention of the House to the late period of the session at which they were appointed ; and the hurry, in consequence thereof, with which they have been obliged to prepare their report. Owing to this circumstance, they have been deprived of some parole evidence, which, they had reason to think, might have afforded information relative to the subject of their enquiry. To the same cause it must be attributed, if it shall appear that their report is not framed with so much conciseness.

not as it might otherwise have been. They flatter themselves the narrative and observations they have suggested for the information of the House, will appear to be faithfully and accurately collected from the materials upon which they are founded; and as to any defects of a different nature, they must submit themselves to the indulgence of the House.

Second REPORT from the COMMITTEE of SECRECY, appointed to inquire into the Causes of the War in the CARNATIC, and of the Condition of the British Possessions in those Parts.

THE Committee of Secrecy appointed to inquire into the causes of the war that now subsists in the Carnatic, and of the present condition of the British possessions in those parts, and to report the same to the House, with their observations thereupon, in the course of their enquiries having found several special matters relating to the conduct of Sir Thomas Rumbold, Baronet, and John Whitehill, Esquire, whilst they were respectively governors and presidents of Fort St. George, and its dependencies, and also of their respective councils, which appear to them proper to be communicated to the House; have thought it their duty to make a report of those special matters as early as it has been possible for them to do, without waiting till their further enquiries shall have enabled them to complete a general report on the causes of the late disasters in the Carnatic which they have reason to believe will demand their greatest diligence and attention for a considerable space of time longer.

Your committee find, that on the 11th day of June 1777, the court of directors of the East India company granted a commission under their seal directing, that in the year 1775 they had appointed Lord Pigot president and governor of Madras; and that he having taken upon him the government aforesaid, had been violently removed from his office, of which they highly disapproved.—They thereby restored, constituted, and re-appointed Lord Pigot, immediately after the publication of the commission at Fort St. George, and also constituted and ordained Thomas Rumbold to be 2d in council, Major Hector Munro 3d, but not to rise to any superior rank, John Whitehill 4th, Charles Smith 5th, Samuel Johnson 6th, Peter Perring 7th, Alexander Davidson 8th, John Holland 9th, and James Daniel 10th, provided, that when any three of the above mentioned Rumbold, Whitehill, Munro, Smith, Johnson, and Perring, should arrive to take upon them their office of councillors, then the appointment of Davidson, Holland, and Daniel should be void.—That this commission gives to the governor and council full power and authority to rule and govern all factors and servants, and all soldiers and inhabitants in Fort St. George and elsewhere, subject nevertheless to the superintending and controlling power of the governor general and council of Bengal, authorized by the 13th George III. and according to such instructions and directions as they should from time to time receive under the hands of

thirteen or more of the directors.—That the commission established a succession to the government, and offices of councillors in regular gradation, with an exception to General Munro; and that this commission was not accompanied with any collateral instructions, and was in the same terms with those to all their governors.

Sir Thomas Rumbold appeared, to your committee to have bound himself by three separate covenants, entered into with the company, to the following purport:

The 1st covenant, dated 25th June 1777, recites Sir Thomas Rumbold's engagement to serve them as councillor for 40,000 pagodas per annum, to be computed from his embarkation; and he becomes bound to obey all orders of the directors, made or to be made, and to fulfil all orders which he, then received, or should thereafter receive, that he would resist all such as should endeavour to break those orders, and give intelligence of such endeavours to the court of directors, and specify the name of the person so disobeying: And also covenanted to abstain from trading, directly or indirectly, and bound himself not to plead or demur to any bill seeking a discovery of illicit trade.

That by the 2d covenant, 26th June 1777, he engaged, while he remained in the company's service in any station or capacity, that he should not by himself or others, receive any grant of lands, or rents issuing out of lands, from any Indian princes, (stating their various descriptions) or their servants, or any money, jewels, or other effects, for any services to be performed by him to them; and that all such gifts should be construed to be for the use of the company.

That by the 3d covenant, dated 27th June 1777, in consideration of his being appointed governor, and of 40,000 Pagodas per annum salary, and of being allowed to reside in the Fort House, with the use of the plate and furniture, and of being allowed a commission on coral as usual, he bound himself to carry on no trade except that of the company, and also excepting the sale of such goods and merchandize as he should have upon hand unsold at the time of his taking upon him the government, and also excepting the collection of such debts as should be owing to him at that time, in respect of trade theretofore carried on; and further bound himself, that before he should proceed to recover any such debts, he should deliver, or cause to be delivered, to the president and council at the council board, on oath, a specific and particular account of all such loans (if any) as he should have been concerned in, and should specify and declare how such loans respectively were due and secured, and describe the whole transaction from the beginning of such loans: and also, that he would accept and take such salary and allowances in full satisfaction of all fees of office, perquisites, emoluments, and advantages whatsoever, and that he would not, directly or indirectly, on any pretext whatsoever, take or receive any others.—He further covenanted to specify in the same manner all goods and merchandize of which he should be possessed, and to dispose of the same in the space of three months; that he should lend no money to the country powers or their agents, and if any such loans had been made, that he should specify and declare all the circumstances from its commencement.—That this covenant contains the same clauses as the former respecting his pleading or demurring to a bill of discovery; and that

the penalties are 100 per cent. on trade; the same on any money lent to persons or their agents; and 200 per cent. on all presents.

The salary and emoluments appeared to your committee to be about £16,000 per annum, and that the commission on coral appears to amount to about £2,000 per annum, the whole making about £18,000.

And your committee find, that the government of Madras is rendered subordinate to the government general of Bengal, by act 13 Geo. III. c. 6, which enacts, that the governor general and council, or the major part of them, shall have, and they are hereby authorized to have, power of superintending and controlling the government and management of the presidencies of Madras, Bombay, and Bencoolen respectively, so far and inasmuch as that it shall not be lawful for any president and council of Madras, Bombay, or Bencoolen, for the time being, to make any cession for commerce, to cede, or declare or making war against any Indian prince or power, or for negotiating or concluding any treaty of peace or other treaty, with any such Indian prince or powers, without the consent and approbation of the said governor general and council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such treaties or treaties until the orders from the governor general and council should arrive, and except in such cases where the said president and council respectively shall have received special orders from the said united company, and any president and council of Madras, Bombay, or Bencoolen, who shall offend in any of the cases aforesaid, shall be liable to be impeached and punished by their peers, by the order of the said governor general and council; and every president and council of Madras, Bombay, and Bencoolen, for the time being, shall, and they are hereby required to do, and are required to do, obedience to such orders as they shall receive from the said president and council, and they are hereby required to do, and are required to do, the said governor general and council for the time being, and constantly and diligently to transmit to the said governor general and council all intelligence of all transactions and matters whatsoever, that shall come to their knowledge, relating to the government, revenue or concerns of the said united company; and the said governor general and council for the time being shall, and they are hereby directed and required to do, and are required to do, all such orders as they shall receive from the court of directors of the said united company, and to correspond from time to time, constantly and diligently transmit to the said court, on exact particular of all such intelligence, and of all transactions and matters whatsoever that shall come to their knowledge, relating to the government, commerce, revenue, or concerns of the said united company.

They also found that Mr. Whitehill having been appointed third in council, and having entered into covenants of the nature, stated in the appendix, set out for India, by land, soon after his appointment, he arrived at Madras on the 31st August 1777, and that he, as a councillor, when on the spot, he acted as president and governor of the said colony for a while, when Sir Thomas Kumbhak arrived at Madras.

They find, that the East India Company are in possession of the northern Circars, for which Pinnawra was granted by the Mogul Shah Alim, dated 24th August 1765, and another part by the Mogul Shah Alim, dated at Hyderabad (his capital) on the 12th November 1766; that on the 12th

A. 1781.

DEBATES.

April 1775, the court of directors gave explicit orders to their governor and council at Madras, respecting the northern Circars and Jaghire lands, to the following purport: they represented, that one object of the early attention of the governor and council must be to acquire a complete knowledge of those territories which had been granted to the company on the coast of Coromandel, and to establish a judicious and permanent system for their future management, stating certain reasons why it is expedient to increase their strength in their own positions without diminishing the resources for investments, and for carrying on the government, and that they are well assured the Jaghir lands and northern Circars, especially the latter would be found capable of answering that desirable purpose, if duly explored and properly regulated, they therefore directed, that when the affairs of Tanjore shall be fully adjusted, a committee of the council of Fort St. George, consisting of five members, should be appointed to make the circuit of the northern Circars; that they should ascertain, with all possible exactness the produce of the country, the number of inhabitants, the state of the manufactures, the former and present, the gross amount of the revenues, the articles from which they arise, the mode by which they are collected, the charges of collection, the specific proportion actually received by the rajah or zemindar, and that which is left in and usage allotted to the cultivator as the reward of his labour; and that the committee of circuit were also particularly to enquire what security the natives held for his property, what courts there were for the administration of justice, and how far similar regulations to those then lately established at Pondicherry the president and council of that presidency, might, with propriety be introduced into the northern Circars, that it was by no means their intention to deprive the hereditary rajahs or zemindars of their annual income, but to secure it to them without leaving them under the necessity of keeping an armed force to compel payment thereof; and finally, that it was their earnest desire to deliver the inhabitants, so far as it might be in their power, from undue exactions and oppressions, and that the misfortune of suffering an zemindar to become formidable to his neighbours, or too powerful, would not admit of a doubt, that they never approved the policy of the company's late governor and council, in consenting to accept of tribute, or such compensation for lands as Sitteran Rauze might think proper to make, without ascertaining in any degree the value of such tribute, and that it is true, that his power had therefore rendered it dangerous to risk his displeasure by admitting competitors to bid for lands, and it was high time to correct that system, and to disallow the keeping of other troops than the company's in the Circars, more especially as such troops were not subject to the company's orders, but rendered their tenants less dependent than they ought to be upon the company's protection and controul; and in order to enable the company to strike at the root of that evil, the committee of circuit were directed to take the most effectual measures for ascertaining the strength of each rajah, zemindar, or landholder in the Circars; the expence of his household and that of his troops, the means he might have of defraying such expences and the number of regular sepoys which it would be necessary for the company to maintain in the respective districts, in order to keep them in due subjection, and in addition of military strength within the company's possessions deemed to be absolutely necessary, and

They could have no doubt but that with proper economy a considerable force might be maintained in the Circars, and the annual rent or tribute remitted to the company's treasury at Fort St. George be nevertheless considerably increased, they therefore resolved, that every military man residing in the Circars, should be absolutely under the company's command, obliged to serve the company wherever he might be wanted, and not left at liberty to take part with the company's enemies in case troubles should arise in the country. And after having fully investigated the provincial accounts of the Circars, if any of the zemindars should prefer receiving their income from the company, and relinquish their hereditary claims, the directors had no objection to allowing them such stipends as should be found reasonable, in lieu of the benefits arising from their zemindari. And as it was the company's intention, on the expiration of the present leases, that the committee of circuit should proceed to let the lands for a term of years, in the same manner as had been practised at Bengal, it was the company's order, that the zemindars should have their option of returning upon stipends, or of continuing to rent the lands at a proper valuation, but it was a positive command, that the proportion of the produce to be received by farmers of every denomination, should be ascertained and exactly defined; and that it should be an express condition in every lease, that all farmers who should exact more than their due proportion from the undertenants, should forfeit their farms; and the governor and council were to take especial care that the means of redress, in case of imposition or oppression, should be rendered as easy as possible. And the court of directors, in their letter, stated these as the outlines of the plan which they wiled to see adopted for the Circars. That in regard to the Jaghire lands, many considerations induced them to keep the same in the company's immediate possession; and unless the nabob agreed to such arrangements as the company deemed necessary for mutual advantage, the directors would no longer consent to his renting the Jaghire lands, as it almost enabled him to shut the company up within the walls of Madras, and even to prevent them from obtaining a proper supply of provisions for their settlement; they therefore directed that the governor and council should conclude no agreement with the nabob for the above mentioned lands for more than one year, and that it should be an express condition in such agreement, that the committee of circuit should be at full liberty to explore the country, and to ascertain the real produce and revenue thereof, in the manner described in the instructions respecting the northern Circars.

And your committee find, that on the 28th June 1776, Sir Robert Fletcher delivered it as his opinion in council, that the time limited by the company for the appointment of the committee of circuit had been long expired, and that the establishment of it ought no longer to be delayed; and also find, that from this time forward down to the 24th August (the day on which Lord Pigot was imprisoned) much altercation took place in the Madras consultations, respecting the nomination of the persons who should serve on this committee of circuit, this matter being implicated with the dissensions which subsisted between Lord Pigot and a part of his council.—It appeared to your committee, that Messrs. Stratton and his council, after the deposition of Lord Pigot, took up the consideration of this matter on the 29th of August 1776, and appointed three new members to be of the committee of circuit

in the room of three gentlemen whom they had suspended from their offices in council, and that on the 11. of November 1776, instructions were sent to the committee of circuit, which then consisted of Messrs. Johnson, Floyer, Perring, Hollond, and Crawford, with Messrs. Tudor, Jackson, Russel, and Gregory, who were appointed their assistants —that in these instructions, the governor and council referred almost entirely to the letter from the court of directors of the 12th of April 1775, observing, that it was so explicit that nothing could be added to it, and directing, that as soon as certain members named should arrive at Vizagapatam, the committee should proceed to carry on their enquiry in the most expeditious and effectual manner possible; and your committee observe, that the governor and council stated in these instructions, that when their president (Mr. Stratton) was in the ^{Chicagole} Chicac, Jiggernaut Rauze, the present renter of the Havilly lands (for which the company now received only 170,000 rupees per annum) offered, if they were let to him, that he would give 210,000 rupees per annum for 10 years, and 410,000 rupees per annum for 10 years more. In expectation of a considerable improvement from this circumstance, the select committee required that the value of these lands should be ascertained with some degree of precision.—Your committee perceived a great disposition shewn in these instructions, to advert to the hereditary rights of the zemindars, and a desire that in every district enquiry should be made into the nature of the grants, by which lands of every description were holden, by whom those grants were made, what the produce was and to what purpose applied.

And your committee find, That on the 4th January 1777, a quorum of the committee of circuit proceeded on their business, being allowed colonel's pay and batta for themselves, and a captain's pay and batta for their assistants, in consequence of a request by letter of the 28th of January 1777; which was afterwards objected to by the court of directors, as greater than was necessary.—It appeared to your committee, that Mr. Stratton's government much approved of the institution of the committee of circuit, from their adverting to it immediately upon their accession, and from the instructions which were given by them —That Mr. Whitehill and his government no less approved of it, appeared from the Madras revenue consultations of the 5th of December 1777; which states, that the board observed that a variety of causes had combined to impede the execution of the directors' orders, relative to the committee of circuit, and that they were justly sensible of the advantages to be derived from the due discharge of that important commission, and that they resolved the business should be prosecuted without loss of time, and therefore proceeded to fill up the vacancies which had happened.

It also appeared to your committee, That certain offers having been transmitted from Ganjam to Mr. Whitehill and the council, for increasing the company's revenue upon long leases, they kept the company's orders in view, and forbore to give any opinion of the means proposed, until they should receive the report of the committee of circuit, and resolved, that the highest offer for one year only should be accepted; and that they wrote a letter to Ganjam on the 10th of December 1777, to that effect, and on the 17th continued the Jaghire lands to the nabob for one year only —From hence it appeared, that the two governments which preceded that of Sir Thomas Rumbold, saw this measure in the same light with the court of directors.

Your committee find, That two months after the date of this minute, viz. on the 8th of February 1778, Sir Thomas Rumbold arrived at Madras, and took upon him the government, and that in about six weeks after, viz. on the 24th of March 1778, he began the abolition of this committee. At a consultation on that day, Sir Thomas Rumbold, Mr. Whitehill, General Munro, Mr. Smith, Mr. Johnson, and Mr. Perring being present, the president appears to your committee to have delivered in a minute, which states, that when the court of directors appointed five members of the board for that service, he finds by the records that their orders had not for some time been put in execution; but that at last a committee had been formed and sent: that the expence was great, and from the reduction of the members of the council, it was impossible that they could now be appointed for that service. "I recommend (says he) as a much more eligible plan, for the present, that the committee do not proceed, but that the zemindars of the different districts in the northern Circars be directed to repair immediately, and without loss of time, to the presidency, which, I am persuaded, will give us in opportunity of gaining the most complete knowledge of the state of the company's Circars, so important to them. I am the more confirmed in this opinion, when I reflect, that hitherto the different zemindars have in some degree been taught to consider the subordinate settlements under which they were, as the government itself, and a communication between them and the presidency has been in a great measure cut off. The settling the jemmabundy (or tribute) here, will give them a confidence in this government, and teach them to look up to us for protection. They will of course be very ready in all cases where they may suppose themselves injured, to make a final appeal to this board, and I have no doubt we shall, from a thorough investigation, and from the information we receive, obtain a perfect knowledge of those Circars, in a shorter time than we can from the enquiries of the committee of circuit for that purpose, travelling under many disadvantages, and at a great expence. It will be the means of removing all intrigues and interest, which ever operate to the detriment of the company. As I purpose entering more fully into this subject in a future minute, I move that the zemindars in all the northern Circars be immediately ordered to proceed to the presidency, to settle the ensuing jemmabundy; and that the company's dubailies (agents) at the different subordinate settlements, who have generally been employed in the business of revenue, be ordered here also."

Your committee also find, from the same consultations, That the members of the council concurred with their president in their term, and "taking into consideration the subject of the president's minute, are sensible of the propriety and force of the arguments he has made use of in support of the propositions which are therein recommended; and being persuaded that they are calculated to promote the interest of the company they do not hesitate to give their hearty concurrence towards the attainment of that desirable end.

"Resolved therefore That the appointment of a committee of circuit be for the present suspended; and that the gentlemen who compose that committee, be informed that they are no longer to consider themselves as members thereof.

"Resolved, for the reasons set forth in the president's minute, That the annual rent or jemmabundy of the several districts of these northern circars, be in future settled at the presidency; and that the gentlemen at the several subordinate settlements be directed to signify to the zemindars under them,

and

and to the musmedars of the respective countries, that it is our order they proceed hither for this purpose, without loss of time; and that the dubaffes also repair hither.

“ And the more effectually to secure compliance with this order, it is further resolved, That the president do write a separate letter to each of the zemindars, a copy of which is to be transmitted to the chiefs and councils of the respective settlements for their information; they must also be directed to represent, in the strongest manner, to the zemindars, the necessity of implicit acquiescence on their part, and the danger of incurring our displeasure, by shewing the smallest reluctance or unwillingness to obey our commands, which they are to be told will be enforced in case they should not meet with a ready compliance.”

Your committee find, That the president then observed to the board, that having carefully perused the records respecting Vizeram Rauze, it will be necessary to be particularly urgent with him.—That he proposed, that the letter to Vizeram Rauze should be varied accordingly; and that the chief and council at Vizagapatam should be instructed to impress upon his mind the necessity of paying immediate attention to their orders, and the consequences which must inevitably attend delay; and that he recommended that this zemindar should be furnished with an escort of two companies of sepoy, which was ordered accordingly.

In the abolition of the committee of circuit, your committee do not find that any deliberation, or any time for consideration, was required on the part of the council, but that this matter was adopted by them as soon as it was proposed by their president.

It appeared to your committee, That in the Circar of Chicacole, Vizeram Rauze is zemindar of Vizinagram, whose territory is of great extent, and whose disposition is described by letter from the chief and council of Vizagapatam, dated 6th November 1777. to be that of a man of no great ability, and imposed upon by his brother, Sitteram Rauze, a man in their estimation, of very bad public character; and that Jaggernaut Rauze, duan of Sitteram Rauze, is represented in all the evidence laid before your committee, as a man of ability and justice—Your committee thought proper on this subject to examine colonel Matthews, whose residence in the Circars from 1773 to 1776, enabled him to judge of the character of the three persons above-mentioned; and he gave the committee the following information respecting them:

That Vizeram Rauze was the rajah, but the power of the country was in the hand of Sitteram Rauze, whose dewan Jaggernaut was, although understood to be attached to Vizeram Rauze, with whom he was connected by marriage. He described Sitteram Rauze as a very sensible man, but who would stick at nothing to carry his point, and has been guilty of many atrocious crimes. He represented Vizeram Rauze as rather weak than otherwise, but a mild-tempered and humane man—rather improper to manage his affairs, as being addicted to pleasure, and no ways attentive to business.—From his knowledge of Jaggernaut Rauze, colonel Matthews thought, that with his assistance, as dewan, the affairs of the country might have been managed by Vizeram Rauze; meaning, however, in saying this, that the administration should rest entirely with Jaggernaut Rauze, who was a man of sense, of general good character, and considered as one who would manage the affairs of the country with equity and justice.

It appeared to your committee, That on the 25th November 1777, a little more than two months preceding the arrival of Sir Thomas Rumbold, Vizeram Rauze had been ordered down to Madras by Mr. Whitehill and council; the reason for which is stated in their letter to the chief and council of Vizagapatam, to be, that it is necessary he should attend at the presidency, in order to give particular information respecting some points contained in a letter from them of the 6th November, which treated of the general state of the chicacole Circar; but that Mr. Johnson, who had been chief of Vizagapatam, dissented from this resolution, for the reasons assigned by him and the subordinate council in their letter to the presidency of the 30th of August, to which he referred.

Your committee, however, find, that Mr. Whitehill and council, on the 27th of November, wrote to Vizeram Rauze, ordering him to Madras, and acquainting him, that out of compliment a company of sepoy's should escort him thither,

On perusing the letter alluded to by Mr. Johnson, the reasons assigned appeared to be these—the approaching harvest—the expected inroads of the Hill people, and of the Marattas—Vizeram Rauze's large debts—the disturbance which continually attend his absence, which are described to be such as deterred the weavers from their work (which was already in some measure the case, from the bare report of his intended journey) and consequently that the investment would be impeded.—That the difficulties which the committee of circuit had hitherto met with, would be augmented to such a degree, that their business must be suspended until the rajah's return; whereas, if he remained, the investigation of his zemindary might be reported to the committee in three months; a circumstance that would ascertain the tribute in future, and which would probably increase it above two lacks for the first installments; but that this increase would unavoidably be lost on the next installments, if the enquiry were impeded or suspended.

It appeared, that this letter, adopted by Mr. Johnson in his minute, earnestly requested, that the Rajah's orders should be countermanded, or if he should have set out, that he might be directed to return speedily: and proceeded in these words: “as to Sitteram Rauze, his absence will be highly pleasing to all degrees of people; and we cannot help expressing our sincere wish, that he may never be permitted to return, as we are fully persuaded this is the only means of keeping the Circar in perfect tranquillity.”

Your committee found, that on the 24th of December 1777, the gentlemen of Vizagapatam represented to the presidency of Madras, the reluctance of Vizeram Rauze, to comply with their orders, giving as a reason, that he was much in debt; that his credit was sunk by his being out of possession of his ancient residence; that he was apprehensive of destructive inroads from his neighbours during his absence, and that he was ready to settle with the council at Vizagapatam for any reasonable tribute.—These reasons are confirmed by letter from the rajah himself of the same date, which accompanied the former; wherein he says, that Jaggernaut Rauze will in a few days set out for Madras, and that his vakeel will accompany him with his presents, and that these two will transact his business—that it is now the time of harvest, which requires his whole attention; that he must discharge his debt to the soukar or banker, incurred by procuring a draft in favour of the company—
“that

‘ that he has got to pay the company's payments entirely ;’ and that the disturbances in his country have not yet subsided, which, against his will, prevent his coming to Madras.—And your committee also find, that he complains in general of his poverty, and that his brother, Sitteram Rauze, is contriving his ruin.—It appeared to your committee, that previous to this time Sitteram Rauze had voluntarily come to Madras; for on the 17th December, the president, Mr. Whitehill, acquainted the Board, that Sitteram, who had been some time at Madras, had applied to deliver in proposals for leasing the Havilly lands, which appear to have been accepted in Mr. Whitehill's government, and will be stated hereafter.

It further appeared, that on the 27th of February 1778, Sir Thomas Rumbold acquainted the board, that not having had leisure since his arrival to understand sufficiently the affairs relating to the revenue committee of circuit and chicacole Circar, desired the board would defer the consideration of these subjects; which was assented to; but that on the 15th of April, when the consideration of these matters was resumed, the chief and council at Ganjam were ordered to direct all the zemindars dependant on that settlement to repair to Madras without loss of time, together with Ball Kistnah, the company's interpreter—that like orders were given to Mazulipatam at the same time, and those of Vizagapatam had been ordered down by letters of the 4th of April 1778.

The sentiments of the subordinate chiefs and councils with regard to this measure, appeared to your committee from their letters on this subject; for on the 3d of May 1778, the gentlemen of Mazulipatam acquainted the presidency, that a translation of the governor's letter had been circulated amongst the zemindars, together with a pressing letter from the chief, recommending immediate obedience; to which letter several answers had been received, which must have been unfavourable, as the orders are repeated to the zemindars on the 13th of May—this letter of the 3d of May is found to contain the following passage:

“ The departure of the zemindars, &c. to the presidency, at this time, leaves us little room to hope that they will be able to negotiate bills with their focars, so that we may receive any considerable part of the heavy kists (installments) now due from them during their absence, which otherwise we were in expectation they would have accounted for in full, they having been ordered, and many of them having actually repaired hither for that purpose.”

It appeared to your committee, that on the 15th May, at the same time that the orders to the zemindars were repeated, the president observed, that calling down the zemindars had not impeded the payment of the balances, amounting to upwards of 3,68,000 rupees. The correspondence abovementioned shewed to your committee the sentiments of the gentlemen at Mazulipatam; and the sentiments of the zemindars themselves appeared by several letters, written by some of the most considerable of that class, to the chief of Mazulipatam, stating the irreparable injury which an absence from their lands would occasion to their private affairs, and consequently to the regularity of their payments to the company; and that on the 21st of May the council of Mazulipatam, in an answer to a letter from the board, represented that they had used their utmost endeavours, and that the most effectual

means

means had been taken which they could devise, to obtain a compliance with their orders; and acquainted them of eight zemindars by name, who had taken leave, or set out: and that on the 11th of July, the gentlemen of Mazulipatam further represented the difficulties of certain zemindars to proceed to Madras—one in particular asserting, "that he should find the greatest difficulty in raising a sum to defray the expence of his journey, having scarcely sufficient to support himself and his family; and that others had promised to go, as soon as they could raise money to defray their expences."

The following passage is found to conclude this letter: "the departure of the principal zemindars from these countries leaving us destitute of pecuniary resources, whilst our demands are likely to increase, we find it necessary to make a particular representation thereof, and flatter ourselves, that the supply which, from the statement that will be now laid before you, may appear to be necessary, will be granted as speedily as the nature of such business will admit; we find it necessary however to intreat, that you will grant us some immediate assistance, without which our chief reports to us, that all our business must be at a stand."

On this representation, the Board at Madras appears to have allowed them to draw monthly bills on the presidency.

The sentiments of the company's servants, and of the zemindars in Ganjam, were collected by your committee from the following documents:

On the 25th May, the company's servants at Ganjam wrote to the board in these terms: "from the tenor of the zemindars' letters to the chief, as well as from our own knowledge, we are well assured of their inability, were they ever so well inclined, to proceed to the presidency at this juncture; and we should hold ourselves wanting in the duty we owe to your honours, &c. did we not point out, to the best of our knowledge, the difficulties which would arise from such procedure.—In the first place, we beg leave to make a statement of the balances due to the company from the zemindars you have been pleased to order up from the presidency."

"We are convinced that these zemindars would with cheerfulness proceed to the presidency, were they in a capacity to defray the expences of so long a journey; but we can with a degree of certainty inform you, that these zemindars, so far from being in a capacity to travel, are scarcely enabled to maintain their families with common decency at home." In this letter several petitions are inclosed, presented by the principal zemindars, representing their inability to perform the journey, for want of money, and many other reasons; and among others, one of them makes this apology, that he is so exceedingly fat, that he has been unable to walk out of his house for many years.

The effect of this measure, in calling down Vizeram Rauze, was stated by the gentlemen of Vizagapatam, on the 3d of July, in these terms: "Unless we receive your assistance, in the course of a month, we shall be in great distress for means to make the usual monthly payments. Our investment is already nearly at a stand." And this they ascribe to Sitteram Rauze's want of punctuality in the making of his large payments due, and to the absence of Vizeram and Jaggernaut at the presidency.

And your committee find, That the chief of Ganjam writes to the presidency, on 13th of June 1778, stating, that he should make the rajah of

Gumloor,

Gumloor, when he arrived, sensible of his disrespectful silence to his letter—“Your honour,” says he, “may easily conclude, from their savage ignorance how difficult an undertaking it will be persuade Viceroy Bonge, the rajah, or indeed any other rajahs, to comply with the orders of the board with regard to their proceeding to the presidency. Poverty, and their large balances to the company, and their inability to discharge them, are the only excuses which ought to be admitted.”

Your committee have stated above, that the board at Mazulipatam had, by letter of the 23d of May, apprised the presidency, that certain zemindars had set out; and they find that this letter was received at Madras on the 12th of June, and that on the 15th, which was three days afterwards, the presidency directed the gentlemen at Mazulipatam to advertise for proposals to rent the several farms under their management, for 5, 8, or 10 years; but that on the 3d of July they were informed from Mazulipatam, that no proposals whatever had been received.

It appears to your committee, That the court of directors, in their general letter to Madras, dated the 10th of January 1781, animadvert upon this, and acquaint that presidency, that it does not appear to them that any proposals could be expected, as almost all those whose situation enabled them to bid, were at that time called down to the presidency.

Thus it appeared to your committee, That remonstrances were made from every one of the subordinate settlements, from whence the zemindars were ordered to Madras; and that the zemindars themselves, in every one of them, complained of it as a great hardship imposed upon them, as ruinous to their own private affairs, and consequently detrimental to the interest of the company.

In one instance the presidency appears to have felt, in some degree, the weight of the reasoning both of the zemindars and their own servants; for in a letter to Ganjam, the 2d of July 1778, they dispensed with the personal attendance of the zemindars, and ordered the renters and musinedars of the six principal zemindars to repair to the presidency.

It also appears to your committee, That notwithstanding this uniformity of opinion in all the subordinate settlements, and this universal reluctance on the part of the zemindars, that the governor and council (excepting Mr. Smith and Mr. Johnson) never relinquished the measure; but on the contrary, that the president's minute of the 20th of July 1778, states many of them as having arrived at the presidency.

Your committee finding much reason to rely on the experience and judgment of Colonel Matthews, examined him as to the general opinion at Madras and in the Circars, respecting the policy of abolishing the committee of circuit, and requiring the personal attendance of the zemindars; he informed them, that when he arrived at Madras in July 1778, he found many of the rajahs and zemindars there, but that several had refused to come, for it was in general esteemed by the people of the country to be an unjust and unnecessary measure; and that the general opinion was, that the lands might have been let as well without their coming to Madras; and that undoubtedly the committee of circuit, being on the spot, would best have judged of the value, and not have received distant reports from others; and that from his knowledge of the situation and dispositions of the zemindars and other inhabi-

of the Circuit, the bringing the former down to Madras was certainly a very expensive measure. The distance from Vizagapatam to Madras he estimated them was 550 miles, and from Ganjam 720. — Colonel Matthews also informed your committee, that he was of opinion that it was more for the interest of the company, and the security of the revenue, that the country should be under Jaggernaut, than under Sitteram Rauze.

The next object of your committee's attention, was the manner in which the different zemindars had been treated with, during their residence at Madras, in regard to the leases of their lands; which appeared never to have been by the board collectively, nor in consequence of any investigation before them, but merely by the governor in person, whose report was in every instance held to be sufficient.

They find that the first negotiation in person was between Sitteram Rauze, when he came to Madras, and Mr. Whitehill, then governor; for it appears, that on the 18th of November 1777, proposals had been communicated by the committee of circuit, from Padnab Rauze, for renting the Havilly lands in the Chicacole district, and Cossimcorah; but that on the 19th of December the president (Mr. Whitehill) laid before the board other proposals from Sitteram Rauze, which exceeded the former by 5,000 rupees on each individual article; and that these lands were, without further investigation, or without any conditions favourable to the under tenants, let to Sitteram Rauze for a term of ten years. Mr. Smith and Mr. Johnson are found to have disagreed to the acceptance of these proposals; but by Mr. Perring's joining with the president, the question was carried by the casting vote of the latter. Your committee found the records of the company contained very unfavourable representations of the character and disposition of Sitteram Rauze, and evinced, that he had been deprived of considerable power and authority, to which this act, in a great measure restored him.

Your committee find, That the chief and council of Vizagapatam represented, by a letter of the 17th of January 1778, that the practice had ever been to receive reports of the ability and character of those who proposed for leases from the chief and council; and that although they had been mortified by being overlooked in this instance, yet they were impelled by duty to state many inconveniences from this new arrangement; that Padnab Rauze had no idea of being out-bid by any one at the presidency, and if he had suspected it, he would have bid more, and was ready to give 40,000 rupees more than Sitteram Rauze had offered; that Padnab was a man of substance, and much beloved as a just man, but as to Sitteram Rauze, they refer for his character to his former behaviour in this very district, and the character given of him by the committee of circuit. — It further appeared to your committee, that on the 10th of April, about a month after Sir Thomas Rumbold's arrival, the gentlemen of Vizagapatam acquainted the presidency, that Sitteram Rauze's manager would pay nothing till he had orders from his master at Madras; and also acquainted them, that they had undeniable proof that 131,000 rupees, in money and grain, had been sent to Sitteram Rauze, at Madras, and that bills were negotiating to the amount of 70,000 more, which, together, is a sum equal to one year's rent to the company. They represented the tenants as cruelly oppressed to make up this sum, and state the reason of their making this communication to be, that some part of his arrears might be secured.

From

From the consultations of the select committee, your committee found that the president was directed by the board to communicate his intelligence to Sitteram Rauze, and on the 24th of April that he reported, that Sitteram had assured him that his first instalment should immediately be paid by his orders. The whole of this transaction appears to have been conducted by the president alone, and that this promise, given to him by Sitteram Rauze, was immediately acquiesced in by the board as satisfactory. But your committee do not find that any steps were taken in consequence of the information which they had received respecting the large remittances to Sitteram Rauze, as had been suggested from Vizagapatam.

It appears that the factory of Vizagapatam again represented to the presidency, that they were in the utmost distress, by reason of the attendance of the zemindars at Madras. The consultations of the 20th of July shewed your committee, that the board was again perfectly satisfied with the president's reporting that the zemindars had assured him, of their having left orders for paying their arrears, and managing their business during their absence; and that in particular Sitteram Rauze had assured him, that he had ordered his instalment, due on the 25th of February, to be paid up.

Thus your committee found, That the same kind of promise was accepted by the president in July, which had been made, but not observed, in April preceding, and that the board, as before, acquiesced in the president's acceptance of it.

Sitteram Rauze having, as above stated, obtained his lease of the Havilly lands for ten years, your committee find, That the president, on the 20th of July, entered largely into the affairs of the Chicacole district; observing, that the jemabundy of the districts dependant on Vizianagrum had been long thought very inadequate, and far short of what other zemindars had paid to the company; and that as the zemindar was now eased of all military expence, the company would expect a sum equal to those expences.

Your committee further find, That the presidency observed much on the necessity of having a man of abilities appointed duan or minister to Vizieram Rauze; and as Sitteram Rauze's abilities could not be doubted, he proposed him to be appointed by the board, duan to his elder brother the rajah, in terms of commendation. And it appears, that the prevailing motives with the president were, that Chicacole was the district from whence the company had the greatest expectation; that it now paid less than formerly; that the collections ought to be regular, and the revenue greater, as the military expences were now borne, not by the rajah, but by the company; that 3,05,000 rupees only were paid to the company, although seven times that sum was collected; that these were not times to trifle with the revenue or investments; that this appointment was greatly for the benefit of the company, and free from all private views; and that there was an absolute necessity, under all the circumstances of that district, that Sitteram Rauze should resume his power and management.

Your committee find, That the board approved immediately of this reasoning, with the exception of Mr. Johnson, who adhered to the opinions he had formerly given, when chief at Vizagapatam. It appears to your committee, That they next proceeded on the 29th of July, to force a reconciliation between the two brothers, and for this purpose called them before the

board; at which time Vizeram Rauze was addressed by the president in these words, "We are convinced that it is a measure which your own welfare and the interest of the company render indispensably necessary. But should you continue obstinately to withstand the pressing instances that have repeatedly been made to you by the board, conjunctively as well as separately, we should be under the necessity of taking such resolutions as well in all probability be extremely painful to you, but which being once passed, can never be recalled." To this your committee find, that Vizeram Rauze made the following answer:

"I shall consider myself henceforward as divested of all power and consequence whatever, seeing that the board urge me to do that which is contrary to my fixed determination, and that the result of it is so ruinous to my country." It does not appear that either of these resolutions were passed before the board, while the distress was in agitation. The first resolution was proposed by the president, and immediately acceded to by a majority of the council; but that on the present occasion Vizeram Rauze was not the president from the church, that on the 1st of October he was not present, and that his brother, it was necessary to appoint Sitteram Rauze to attend and that he proceeded to state what the duties of the office would be, and among others, "That Sitteram Rauze was to take into immediate consideration, the settling of the future, to be paid in future to the company, and the necessary stipends, civil and military, &c. &c. A formal charge appears to have been delivered to each of the brothers, and the commission of duan ordered to be made out accordingly.

Your committee find, That the court of directors, in their general letter to the directors of Madras, dated the 10th of January 1781, express "great surprize and concern at this, which they receive in a most unbecoming manner, that Vizeram Rauze, the ancient rival of Vizianowam, received at the presidency, when, deaf to his repentant tones and entreaties they in the most arbitrary and unwarrantable manner appointed his ambitious and intriguing brother, Sitteram Rauze duan of the Council, and thereby put him in possession of the revenues of his elder brother, who had just told them that he sought his ruin."

Your committee find, That in subsequent consultations Vizeram Rauze is spoken of by the president and select committee in very unfavourable terms; and that a letter was written in the beginning of August to Vizagapatam, severely reflecting on Jaggernaut Rauze, stating, that the rajah's arrears of tribute were owing to him; and it is asserted, that he had been guilty of chicane and intrigue, and that he had employed his influence to the most destructive purposes, withholding the collections committed to his charge; and therefore it is ordered that he shall undergo the strictest examination when he returns; that the balances due from him should be recovered with unremitting attention, and precautions should be taken against his artifices, by not suffering him to leave Vizagapatam, till he should have paid those balances.

It appears to your committee, That at the same time that this letter, so full of reflection against Jaggernaut Rauze, was written at Madras, the gentlemen of Vizagapatam had written to acquaint the presidency, that the only payment which they had received had been from Jaggernaut, but that the whole balances due amounted to 6,50,051 rupees.

Your

Your committee find, That on the 18th of August the president reported to the select committee, that a reconciliation had taken place between the two brothers; and also stated, that the late advices from Vizulipatam, of Jagger-naut's being in a way to pay his balances, shewed the propriety and good effects of the measures which had been taken; and that Vizeram Rauze had assured him, that he should order his balances to be paid by his agent in Chicacole.

The president appears to your committee, to have next adverted to the state of Mazulipatam, and to have acquainted the board, that he had personally made enquiries of the zemindars from thence, now at the presidency, with a view to an increase of tribute and discharge of arrears; that he had nearly completed his enquiries, and intent to lay them soon before the board, as he was desirous the intention of calling up the zemindars should be accomplished without loss of time, that they might be ordered back. Your committee find, That the select committee expressed great satisfaction at the success of the president's negotiation with the tributaries of the northern Circars, and recommended a speedy conclusion, as he would soon be otherwise engaged in business in the military department.

On the 2d of October, the president appears to your committee to have entered very largely into the state of Mazulipatam, observing, that although the object in calling up the zemindars was the payment of balances, they were so loaded with debt that there was little hope of any such payments; that, however, he had brought them, with difficulty, to accede to $12\frac{1}{2}$ per cent. addition on the old Moorish settlement.

Your committee find, That this agreement of their president with the Mazulipatam Zemindars was immediately accepted by the select committee. The court of directors, in their general letter of the 10th of January 1781, appear to your committee to have expressed great dissatisfaction at the select committee, for their having dispensed with all other evidence and information on this subject, than what was afforded by the president's conversations with the zemindars, and his reports of them; urging, that their investigation should have been public, and ought to have been such as might enable the court of directors to form a future judgment upon the matter, and should have been conformable to the directions laid down for the conduct of the committee of circuit. It also appears to your committee, that the court of directors complain, in very strong terms, of the president's being almost "the only channel of intelligence," whose opinions and declarations are the only grounds transmitted to Europe; on which no satisfactory conclusion can be founded.

As to Chicacole, your committee find, That the president observed, that by the mode of bidding, people are tempted to offer too much. The account, says he, given by the committee of circuit, leads us to imagine the value of the countries to be much greater than in reality they are said to be: It is not from accounts collected from different people interested, and others discontented, and wishing for a change of government, that the true value of a country can be estimated; the collections alone ought to determine the rent to be received.—That he had found it difficult to bring the two brothers to increase the rent of 3 lacks 5000 rupees to 4 lacks 5000 rupees. And it appears to your committee, That a letter from Vizeram Rauze was produced by the president at this consultation, desiring to be restored to his fort, and

to have the district of Ancapilly in farm; in which letter he changed his language as to Jaggernaut Rauze, representing him at the time of making his request in a different light from what he had formerly done.

Your committee find, That this letter had the desired effect, and the fort, with its walls and bastions, was given up to him as insignificant, though it had before been taken out of his hands as being the means of disturbance and oppression; and that the president proceeded to observe, that in e delivering in the former petition, he had obtained a verbal agreement from Vizeram, to pay 90,000 rupees for Ancapilly; which was immediately accepted by the board. They also find, that the adoption of Sitteram Rauze's son by Vizeram (which he had notified at the same time that he sent the petition above-mentioned) was confirmed by the board, and Sitteram was accepted as security for the company's tribute.

It appears to your committee, That on the 6th of October the two brothers are again called before the board, and Vizeram Rauze was desired to pay a larger tribute to the company.

To this he answered, that his country was hilly and unwholesome, and hoped the board would give him credit for inability to pay more; and your committee find, that this minute immediately follows upon it, "the board are reduced to the disagreeable necessity of declaring, that their best endeavours have been used to increase the tribute; but as they have been ineffectual, and there is little prospect of accomplishing it, agreed, that the president do once more endeavour to prevail on him (Vizeram) to raise the tribute."—That on the 8th of October, the president reported his having endeavoured to prevail in this point, but that Vizeram was inflexible; and that, on the president's representation, a lease for five years was ordered, at 4,05,000 rupees, and that two days after, the president, on the 10th of October 1778, assured the Board of his wishes for the increase of the revenues, stated the dismissing of the zemindars, and that they were highly satisfied, and had expressed their wishes that vakeels from them might remain at Madras; and that on the 20th of November following he repeated, in a minute, the same doctrine, of the same necessity of zemindars looking up to the presidency only, and keeping vakeels there.

From this investigation of the transactions with the most considerable zemindars, it appeared to your committee, that the enquires which the court of directors very anxiously enjoined, before any leases should be made, was in no degree attended to; and that the regulations on behalf of the under tenants which they had prescribed, were equally disregarded; nor did the board, from what appears to your committee, ever take any other means of acquiring information, than the bare assertion or report of their president, who appears to have negotiated, in every instance, with the zemindars in person.

The professed object of calling down the zemindars having been the payment of balances, and the increase of revenue in time to come, it became necessary for your committee to see how far either of these objects had been accomplished, or what steps had been taken towards it.

Your committee had found, as above stated, that in December 1777, proposals from Ganjam which had appeared to the presidency favorable in themselves, were nevertheless refused, because the investigation enjoined by the company

company had not been gone into; and the presidency had continued the nabob's lease of the Jaghire lands for one year only, from the same regard to the orders of the court of directors. This submission to orders appears to have soon been laid aside; for your committee found, that proposals had been received on the 2d February 1778, from Padnab Rauze, offering 40,000 rupees a year for the Havilly lands, more than Sitteram had offered; but the benefit of these proposals, amounting to four lacks on the whole term, was lost to the company for ten years, by concluding with Sitteram Rauze.

Rupees.

The rent of the Havilly lands payable by Sitteram, 2,35,000

His arrears at this time were — — — 1,80,530

In order to ascertain the value of the other lands, and the rent which might have been expected for them, your committee find, that recourse must be had to the report of the committee of circuit, 16 August 1777, in which they acquainted the presidency that they had examined accounts of lands for ten years back, amounting to sixteen lacks net revenue, ten of which belong to the rajah; and that by the inquiries which they had made, and information they had received, they had every reason to be assured that the several countries under Vizeram Rauze yield at least a revenue of twenty lacks; and that his military establishment being 11,000 men, cost him 50,000 or 60,000 rupees per month; and they subjoined the terms, which in their opinion would be the proper basis of an agreement with him, in order to secure the revenue and reduce his force, which had always kept the company in some degree of uneasiness.

It appeared to your committee, that Vizeram Rauze's rent, before the last agreement made with him for the zemindary of Vizianagram, was 3,05,000 rupees. and that the committee of circuit estimated the total value of the produce at twenty lacks; and that this was confirmed by Sitteram's declaration to the board, on the 29th July 1778, when he affirmed, and was not contradicted, that when he began the management of these lands, they produced seven lacks; but that when his administration ceased, they had increased to twenty-two lacks. This very witness to the increased value of these lands, was himself made the minister over them, at the rent of 4,05,000 rupees; as your committee have stated above.

It appears to your committee, that this rent, which the directors, 10th January 1781, considered as very inadequate, is stated by the president in his minute of the 2d October above mentioned, to have been accepted because the brothers had declared their inability to pay more, and that a certain revenue is preferable to speculative schemes, and that an increase might be attempted with greater hopes of success, when there should be no apprehensions from the French; and it has been thread-bare stated, that at the same time the presidency restored the rajah to his former measure which the court of directors (10th January 1781) considered as a direct opposition to the advice of the committee of circuit, and the general directions of the company, and as enabling Sitteram to be extremely troublesome in that quarter; and no increase of rent, as the directors observe, was demanded on account of the company's being at the expence of the military defence of that country, which had been attended with an expence to the rajah of six lacks a year.

Your

Your committee find, that the great object of the board, in putting the power into Sitteram's hands, was said to be the speedy recovery of balances; and it has appeared that he was nominated in July 1778, and yet in January 1779, his and his brother's balances were no less than 5,57,999 rupees, besides the expence of an expedition undertaken on his account by Colonel Braithwaite, and 1,03,030, for which Jaggernaut was directed to account with Sitteram.

Your committee also find, that upon the adoption of Sitteram's son, it was agreed that all under leases should for the future be made in the adopted rajah's name; and that his name should be used in all acts of government; and that Sitteram Rauze, his father, who was in reality to enjoy the power, was accepted of by the board as a security for this young man. It appears from the Madras revenue consultations, that the balance due from Chicacole on the 6th of November 1778, was — — — 78,400
And in January 1779, had increased to — — — 92,275

Increased in three months, — — — 13,875

And your committee further find, that at the time when Sitteram was appointed duan, the rent had not been settled, but was referred to his future consideration and adjustment.

Your committee find, that the court of directors in their letter to Madras, dated 10th January 1781, disapprove, in the strongest terms, of the leases granted of the Chicacole district, which they consider as greatly inadequate; and disapprove, in terms equally strong, of restoring Sitteram Rauze to a degree of power, which he had been found to abuse and convert to the company's detriment; and complain heavily of their enabling him the more effectually to repeat this conduct, by restoring the fort, with its walls and bastions.

And your committee find, that the Madras select consultations of the 13th October 1780, contain an account of the revolt of the sepoys at Vizagapatam; and that the letter from Mr. Casamajor, and the other gentlemen at Vizagapatam, upon that occasion, throws some light on the comparative attachment of the two brothers to the company's interests, and also shews the importance of the zemindars, in cases of difficulty and danger. In this letter your committee find the following passage:

“ On a review of a general state of affairs on the coast, the war with the Marattas and Hyder, and the probability of a French force landing, it is not drawing an improbable conclusion to suppose, that the zemindars may avail themselves of this crisis of events, and throw off their allegiance. We are here without any resources either of men or money; the former we expect, and for the latter we depend alone on the zemindars. We have now stated to you our situation, and we add, that all we have to trust to, is the attachment of 300 Schbendy sepoys, and half of them are now detached.—In this representation we have not, in our opinion, either exaggerated in points of real state or conjecture. We therefore request of you, gentlemen, that you will determine on some plan of operations for us to pursue; the revolt has so effectually deranged this government, and so reduced our consequence, that we imagine some measure ought to be adopted, that will give all the importance we have lost; and we can think of no other step ourselves, than procuring

curing us some sepoy, and about 50 Europeans, from Calcutta, or sending southern people here, and ordering all the sepoy in these districts to the southward.—Sitteram Rauze is not yet arrived at Vizagapatam; he keeps away in a manner that has the appearance of premeditated delay; all these matters serve to create in us anxiety about the state of this settlement—and Shaik Mahomed, the man who heads the revolted sepoy, is gone off, with a great deal of money, is capable, daring, and full of enterprize; and what are his intentions is not at present to be conjectured: by this day's intelligence, he has taken the road to Ankapilly, and it is very probable that he has written to the sepoy in Chicacole of his success; at any rate common report favours that suspicion."

This letter also states, "that the mutineers party under Shaik Mahomed, were, by the last accounts entering into the Potapilly country—that the rajah, Vizeram Rauze, had written to all the little zemindars to stop them; but that they yet compose a strong body, nor is it a trifling force that can oppose them."

Your committee having examined what balances have been paid by the Chicacole zemindars, and what still remained due amounting to 7,84,001 rupees, as well as what the terms of their leases were, proceeded to make the same enquiry with respect to Mazulipatam; and found, that,

On the 2d of October, the president stated to the board many reasons why few or no balances were to be expected from the Mazulipatam zemindars, and that much indulgence to these countries was absolutely necessary; to which representation the president subjoined the old Moorish rental, and declared, that 12 per cent. upon that rental was as great an addition as could be made, and that it would be cruel to exact more: the exhausted state of the company's treasury, and unavoidable increase of public expences, were urged by the governor as reasons for taking low rents, which the directors, in their general letter, have thought more applicable to the opposite conclusion; due care, he said, must at the same time be taken, to recover outstanding balances.—And upon these terms it appears to your committee, that many leases were let, without any more accurate enquiry into circumstances which could point out where the justice of the case lay, between the renter and under tenants on the one hand, and the company on the other. Of this also your committee find, that the court of directors, in their letter of the 10th of January 1781, express themselves in the strongest terms of disapprobation, and complain of the inconsistency and precipitation of the select committee, and particularly of their dispensing with that investigation which they had so warmly recommended to the committee of circuit; and endeavour to shew that the whole account given of the manner in which the presidency granted the whole of these districts for five years, in their letter of the 17th of October 1776, is evasive and contradictory; and alluding to the enquiries which they meant to set on foot, through the medium of the committee of circuit, they conclude in these words:—"the court's instructions were positive and unequivocal; they could not be mistaken: no discretionary power was given you to depart therefrom; you have done it at your own risque, without producing one good reason for so doing."

"It is impossible for us to ascertain the amount of damage to be sustained by the company in consequence of your engagements, because the countries

tries have not been examined in the manner directed by the court; but it is incumbent upon us to convince you, and all our servants in India, that disrespect to the authority, and wilful disobedience of the orders of the company, shall not be permitted, nor delinquents suffered to escape with impunity.

And your committee find, that the Havilly lands of Mazulipatam were let on the 10th of August 1779 (as appears by the Madras letter to the court of directors, dated the 14th of October 1779) to Letchema Narfin Valoo, for one lack of pagodas, although another person, named Vencala Pentato, had offered 25,000 pagodas more, and that another man also had a lease of the salt farms at 42,500 rupees per annum; all these points being carried by the president's casting vote—and it appears, that the reasons assigned by the president, and those who agreed with him, for rejecting the proposals for the greater rent, were, that the proposer had been agent to a banker, was not a responsible person, and did not reside at Mazulipatam, yet he was favourably spoken of by Messieurs Johnson and Smith.—In all those respects, these reasons do not appear to be supported by any proof or enquiry—the observation on the place of residence seems, in the opinion of the directors, expressed in their general letter (10th January 1781) to have had little application to the salt works; and no sufficient reason is assigned (in their opinion) why they were not let to the highest bidder: and that upon the whole, a loss will be incurred of 2,25,000 rupees.

The president appears to have further declared, that except Pentato, no one had offered above 1,000 pagodas more than the offer which was accepted, but your committee find no reason assigned why this sum was lost to the company: the difference between the offer rejected and that which was received, amounts, on a 5 years lease, to 2,25,000 rupees.

Your committee found, That the Ganjam zemindars had been ordered down to Madras, as above stated, and among others, a man named Ball Kishnah, the company's dubash and interpreter, as he is styled in the order; some of the zemindars having been themselves dispensed with, on sending representatives, but as to Ball Kishnah, the order was repeated on the 28th of July 1778, with a good deal of warmth, threatening him with the danger of incurring their highest displeasure, and two companies of sepoy.

It appeared to your committee, that the gentlemen of Ganjam had represented to the presidency, that this very man had, under cover of another name, been the real renter of the Ganjam Havilly lands, which were in arrear, 1,82,666 rupees, and that for Vizianagur he was in arrear 60,350 rupees, which he had engaged to pay—And this appears to your committee to be acknowledged by the board in a letter to Ganjam, 21st May 1779.

Your committee find, That on the 26th of April, this man presented proposals for renting of the district of Itchapore, including the Havilly lands, and the sea and land customs; and that he offered to pay,

3 First Years	350000	} per annum.
2 next	425000	
5 next	430000	

And it appears, That on the 2d July, Mr. Perring expressed himself of opinion, that Ball Kishnah was the fittest person to be the renter; though he acknowledges, that he offers less than the chief and council had been able themselves

themselves to collect, and that this opinion was not contradicted; for Mr. Johnson shewed from experience it had been found disadvantageous to let the whole to any one renter; and that the Havilly lands ought to remain in Mr. Maunsel's, the collector's hands, who had done his duty in every respect. It also appears, that General Munro stated the arrears to amount to 40,000 pagodas, and recommended a reference back to Ganjam.

Your committee find, That on the 13th of July the Ganjam gentlemen had stated their receipts for the last five years at 5 lacks and upwards.—Ball Kistnah, on the 29th of July, is found to have changed his proposals, and then to have offered a regular annual payment, amounting in ten years to 4,15,000 rupees, and a regular discharge of balances, to the amount of 40,000 pagodas per annum. This last article the directors, in their letter 10th January 1779, state to have been, in truth, a favour to himself, as he had been in fact the renter from whom those balances were really due, and were then payable to their full amount. Ball Kistnah affirmed, that five lacks was unreasonable; and the president declared his opinion to be, that no proper controul over these lands could be placed in the hands of the chief and council, unless they are let to one person, and thought the offer should be accepted; and then endeavoured to prove, by deductions and comparisons, that this offer, though apparently less, is in reality greater than the former rent.—This matter appears to have been deferred a few days at the request of Messrs. Smith and Johnson; and being resumed on the 6th of August, the president gave additional reasons in support of his former proposition, which reasons the court of directors consider in their letter above mentioned, as founded on a statement relating to Irchapore, in which this man's deficiencies were entirely omitted.—Messrs. Smith and Johnson appear to have dissented, the former stating the past rent to be 5,55,000 rupees, which was correspondent to the account from Ganjam, and General Munro did not persist in his reference back to Ganjam for their opinion; so that the lease was ordered for ten years accordingly.

By comparing the rent which was accepted with that which Mr. Smith, uncontradicted, stated it to have formerly been, the loss to the company will appear to be fourteen lacks, independent of any loss arising on non-payment of old balances, those balances amounting to 1,82,666 rupees.

It does not appear to your committee, that any balances whatsoever were paid at Madras by the zemindars and renters who came down to that presidency; but on the contrary that they were increased by their absence from home, or at least that it furnished an excuse for not liquidating them; and from what has been here stated, it does not appear to your committee, that the presidency took pains to get proper data to proceed upon, but disregarded such information as the committee of circuit and the subordinate factories afforded them; for it appears on the Madras consultations, 15th September 1779, that the gentlemen of Ganjam represented strongly against the agreement with Ball Kistnah, on which the president observed, "That he differs so much in sentiment from the tenor and assertions of this letter, that instead of speaking in favourable terms to the court of directors of the conduct of these gentlemen, he shall, before the dispatch of the next ship, give his opinion fully on the subject of the letter, and shall accompany his opinion with several papers in his possession in support of it."

Your committee having found, from the documents above stated, That all ~~transac-~~ transactions were made by Sir Thomas Rumbold personally with the rajahs and zemindars, which were only ratified by the board, without any investigation of their own; and that no balances were paid, but teeps (or draughts) granted, amounting to 1,30,000 pagodas, and having seen that the zemindars were at Madras, in a course of negotiation with the governor, from the beginning of May to the beginning of October; and having found, from the different minutes of council, that the president's motion for giving the office of dewan to Sitteram Rauze, was made by the president on the 20th of July 1778, and immediately assented to by the council; and also that 1,31,000 rupees were ~~stated~~ stated to them to have been remitted to Sitteram Rauze, and further sums negotiating; and having examined the terms on which the other countries were ~~set~~ set, it was thought proper to advert to some private transactions of the governor, which took place in the month of August immediately following the grant of this dewanship to Sitteram Rauze, and during the course of his negotiation with the zemindars at Madras.

Your committee having been informed that Captain Foxall, commander of the Royal George East Indiaman, had carried some treasure to China on Sir Thomas Rumbold's account, ordered that gentleman to attend. He informed your committee, that he had sailed from Madras to China early in August 1778; that he knew some treasure had been put on board of his ship by reason of application having been made to him either by Sir Thomas, or his deputy, for that purpose; and that Mr. Perry, his purser, has seen it counted or weighed—he believed there were eight boxes. He informed them that this treasure was not entered in the book kept by the officer on board, called the boatswain's-book, an omission which he discovered by means of a robbery of the ship in the river of Canton, at which time some of the boxes were stolen; wishing to find out the extent of the loss, by comparing what remained, with what was originally shipped, he had called for his boatswain's book, and finding no entry, he ordered an entry to be made of what remained, as of the date of his leaving Madras.—That this treasure was consigned to Messrs. Bradshaw and Pigou, at China—That he signed the bill of lading, ~~which~~ which he now knows nothing of, and delivered this treasure in consequence of an order from the board in China.

Sir Thomas Rumbold's solicitor, it appeared, had demanded reparation from him for this loss, in April or May 1781. He told your committee, That he had twice called on Sir Thomas Rumbold since his return from Spain (1st January 1781) where he had been a prisoner, but had not seen him at either of those times—That Sir Thomas Rumbold had returned his visit, and saw him; but that no conversation on this subject then passed.—Since that time, however, about a fortnight before his examination, he had of his own accord waited on Sir Thomas, and represented to him, that he was unable to repay the loss, having lost 3000l. by his late capture—To which Sir Thomas answered, that he was sorry, but that the money belonged in part to Sir Hector Munro, without saying how much.—Captain Foxall also said, that the whole treasure was 12 or 13000l. and that the half had been stolen.

Captain Foxall further informed your committee, That in 1778, besides his own ship, the Latham, Captain Prince, and Hillsborough, Captain Collett had sailed from Madras to China; and also the Lord Holland, Captain Law-
son,

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son, and Glatton, Captain Doveron, after he had sailed.—That Prince had told him of his having a little treasure on board for Sir Thomas Rumbold, but he had conversed with no one else on the subject of treasure. He also informed your committee, that he knew of no omission of goods then shipped at Madras, in the boatwain's book, except this particular article; and that Elkinton; his chief mate, was a careful man.—That this treasure was put on board, late in the evening, before his departure, a circumstance usual in shipping all valuable effects. He added, that unless the entry of the treasure appeared either in the boatwain's book or captain's journal, it would not appear to the company in any other way, that it had been shipped; and that if it had not been for the accident of the robbery, it never would have occurred to him to look into the boatwain's book.—Upon examining the boatwain's book and the captain's journal, by desire of the committee, Captain Foxall found, that the remaining part of the treasure, landed at Canton, was not entered.—He then corrected his examination, by telling the committee, that one of the chests belonged to a Mr. Ferguson.

Mr. Pigou having been named by Captain Foxall as consignee of the treasure shipped with him, he was next examined, and said, that he had consignments both of public and private treasure during the year 1778, but had left all his books, papers, and memorandums in China.—That from Madras he had received by the Latham 50,000 pagodas, which at 8s. is 20,000l. on account of Sir Thomas Rumbold—By the Hillsborough 56,000 pagodas, 50,000 being on Sir Thomas Rumbold's account; and that 39,000 pagodas were invoiced by the Royal George, of which 14,000 pagodas and 3000 dollars were stolen out of the ship.—That he and his partner were directed to to pay 25,000 pagodas to the agents of Sir Thomas Rumbold and Sir Hector Munro, and 150,000 dollars to Messrs. Hutton and Gordon on account of Sir Thomas Rumbold—that as to the 25,000 pagodas, he does not know whether it was intended to remit them to Britain, but the 150,000 dollars were intended for England.

Mr. Pigou being examined as to the consignments from Madras in 1779, said that by the *Sra Horse*, one of the King's ships, 20,000 dollars were remitted for Sir Thomas Rumbold, and that she had a large amount in specie besides this on board, but he did not know on whose account.

He also informed your committee, that in the years 1778 and 1779, Messrs. Raper and Cromeline had large consignments of treasure from Madras, but did not know on whose account.—That above 1,000,000 of money was lying in the hands of Chinese merchants, belonging to British subjects, the usual interest being 18 per cent. and sometimes more; and that the Dutch, Danes, and Swedes, take up money and give bills to a large amount, and supposed that British subjects often remit through those channels.

Your committee has already stated, that Sir Thomas Rumbold, by his third covenant, had bound himself to deliver in to the board upon oath, a particular of all loans formerly made, and of all merchandize on hand, before he should proceed to recover the one, or dispose of the other.—Upon an accurate examination of the proceedings of the board during the whole of Sir Thomas Rumbold's government, no proceeding to that effect was to be found.

Your committee has also stated, that in the same covenant he had bound himself to receive no emolument whatever, except the salary and perqui-

items specified therein, which have been stated to amount to 18, or perhaps 20,000*l.* per annum. Yet the committee find, that between the 8th February (the day of his arrival) and the beginning of August, Sir Thomas Rumbold had shipped the following sums from Madras to China.

By the Latham	50,000 pagodas	£.	20,000
By the Hillsborough	50,000 ———	—	20,000
By the Royal George	39,000 ———	(Part of Sir Hector Munro's)	13,000
By the Sea Horse,	20,000 dollars	—	5,000

£. 58,000

Upon examining all the Boatswain's books of the different ships which had carried Sir Thomas Rumbold's treasure from Madras to China, it appeared that no entry or delivery of it had been made in any one of them, although the public treasure shipped by the company was entered and delivered with all the necessary particularity.

Another circumstance of a singular nature was found on the proceeding of the Mayor's court at Madras—The late Mr. Redhead had been secretary to Sir Thomas Rumbold, and died at Madras; his executors, after his death, obtained a warrant of arrest against Sireram Rauze for the balance of 10,000 rupees, promised to Mr. Redhead, but no step appears to have been taken by the members of government to prevent this, nor are the directors made acquainted with it by them. And the following codicil appears upon the face of Mr. Redhead's will, now in the India House.

"A the nabob Omter Ull Umrah has an order from his father to pay me the sum of one lack of rupees, I hope his regard to me will be such as to induce him to pay the sum, in order to enable the payment of the bequests of this my will and testament. My attorneys in England are, General Joseph Smith, Edward Law, Henry Harton, and James Simpson, of June, London."

Your committee also examined John Stables, esq, who informed, them, That he, together with Thomas Kikes and Robert Mackreth, esq, had been the agent of Sir Thomas Rumbold, during the time he was abroad, and that the remittances received by him and the other gentlemen from Sir Thomas Rumbold, were as follows.

August 7, 1778. Bill from David Killican, at Calcutta, in the presidency of Fort William, on the East India company, due the 16th of August 1779, dated the 17th of December 1777, at 12 months sight,	£	s.	d.
Bill from Sir Thomas Rumbold, drawn by Alexander Grant, on Hugh Grant, esq, from Fort St. George, for	5,000	0	0
Dated the 20th of February 1778 60 days sight	70	0	0
Do, from David Killican, on the East India company, dated the 26th of January 1778,	1,000	0	0
Do, from Sir Thomas Rumbold at Fort St. George — Thomas Powell on John Laues, dated the 4th of July 1778,	70	0	0
Do, from do. at Fort St. George, Richard Doveton on Richard Neave, esq dated Madras the 7th of August, 1778,	2,000	0	0
	Bill		

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Bill from do. at do. Thomas Shaw on Peter Shaw, dated Madras, the 12th of October 1778,	100	0	0
Do. from do. at do. bill of exchange from the presidency of Fort St. George on the company, dated the 30th of June 1778,	2,125	10	10
From do. at do. a bond of John Whitehill's, on account of Sir Thomas Rumbold, dated the 9th of April,	8,000	0	0
A bill of exchange from do. at do. Messrs. Bradshaw and Pigou on the company, dated the 10th of January 1779,	3,123	16	5
Do. from do. at do. from the Swedish supercargoes at Canton, on the Swedish East India company, dated the 28th of December 1778, due the 13th of March 1780,	4,775	15	0
Do. from do. at do. Bradshaw and Pigou, supercargoes at Canton, on the English East India company, dated the 10th of January 1779,	9,268	1	9
Do. from do. at do. from Bradshaw and Pigou, a bill drawn by the Swedish supercargoes on their India company, dated the 21st of December 1778,	31,042	10	6
Do. from do. at do. John Utterfon on commissioners of victualling office, drawn from Fort St George, dated the 7th of November 1778,	5,000	0	0
Do. from do. at do. Matthew Raper, junior, supercargo at Canton, on the English East India company, dated the 10th of January 1779,	10,769	12	11
Do. from do. at do. Edward Golding, esq; drawn from Fort St. George, on the East India company, dated the 1st of January 1779,	958	6	8
Do. from do. at do. a bill of exchange from the Danish presidency at Tranquebar, on their East India company, dated the 10th of March 1779,	1,916	13	4
Do. from do. at do. George Baldwin at Cairo, his remise through Treves of Venice, on Nathan Modigliani, dated the 20th of November 1779,	699	0	0
Do. from do. at do. from William Henry Pigou, a bill from Swedish presidency at Canton, on their company, dated the 16th of December 1779,	5,000	0	0
Do. from do. at do. John Utterfon's two drafts from Fort St. George, on commissioners of navy, dated the 30th of September 1779,	7,000	0	0
Do. from do. at do. the Danish presidency at Tranquebar, on their company, dated the 21st of June 1779,	1,823	7	6
Do. from do. at do. George Taswell's bill from Fort St. George, on William and Thomas Raikes and Mr. Greenland, the 2d of October 1779,	1,450	0	0
Do. from do. at do. a bond of Quinton Crauford's at Fort St. George, dated the 23d of July 1779,	5,750	0	0
Do. from do. at do. from Bradshaw and Pigou at Canton, that presidency on the East India company, dated the 31st of December 1779,	5,554	3	4

Do.

	£.	s.	d.
Do. from do. at do. bond of John Huddleston's esq; at Fort St. George, dated the 19th of March 1780; not due till March 1783,	4,600	0	0
Do. from do. at do. bond of Quinton Crauford, esq; at Fort St. George, dated the 1st of October 1779, due the 1st of October 1781,	5,750	0	0
Do. from do. at do. Arthur Cuthbert on the board of ordnance, dated Fort St. George, the 4th of February 1780,	5,000	0	0
Do. from do. at do, Thomas Moore on commissioners of victualling office, dated Fort St. George, the 4th of February 1780,	9,375	0	0
Do. from do. at do. a bond of John Whitehill's, dated April the 4th 1780,	13,616	0	7
	150,837	19	4
Do. from do. at do. Francis Welden, for 100 pagodas—not received.			
Had Sir Thomas Rumbold any other agents in England that you know of, besides those you have already named?			
None to the best of my knowledge; and I have every reason to believe he had no others.			
He remitted to Gosling and Clive's (not through our hands) the sum,	16,250	0	0
By bill on the Danish East India company for,	5,750	0	0
and paid the 1st of October 1779.			
And do. on the English East India company, paid the 3d of January 1781,	10,500	0	0
	16,250	0	0

He also informed your committee, That he learnt from Sir Thomas Rumbold, in conversation, that he had in Bengal at the time of his last going to India, about 90,000l. part in company's cash, part in bonds and mortgages at interest, on some of which, three or four years was due; and that he had left a specification of his fortune in India, sealed up, with his trustees, which they had since his return delivered back unopened.

Being asked, If he knew of any part of Sir Thomas Rumbold's property in Bengal having been remitted to him at Madras, or any other place on his account? Mr. Stables referred to certain papers, which he delivered in, and are stated in the Appendix; this he acquainted your committee to be Sir Thomas Rumbold's express authority and desire.

Mr. Stables further informed your committee, That he knew nothing of any part of Sir Thomas Rumbold's fortune left in India or China, nor of any money, diamonds or other effects, brought home by him, having no reason to believe that any such were brought.

On the 18th of June your committee received from the hands of their chairman, a letter written by Sir Thomas Rumbold, to him, stating his desire that certain papers, which accompanied his letter, purporting to be dupli-

• duplicates of a journal, and a ledger of his business, both commencing the 31st of December 1769, and ending the 28th of February 1772, might be read by them, and by the concluding article of these papers, a balance is stated as due in India to Sir Thomas Rumbold's estate of rupees 9,92,201:4:11. These papers are inserted in the Appendix.

Your committee next examined the conduct of the presidency of Madras towards the sovereign princes, whose friendship or enmity is of importance to that settlement, and the general interests of the British nation in Indostan; and they found that the five northern Circars had been ceded by the Emperor Shaw Allum in 1765; and that on the 12th of November 1766, the nizam made a treaty with the company relative to the same districts; by which treaty it is amongst other things expressly stipulated, that the company shall pay to the nizam five lacks a year by instalments; and that Guntoor (which is one of them) shall be in the possession of his brother, Bazalet Jung, until his decease, or during his highness's pleasure. — Guntoor having been therefore granted to him in jaghire, and if Bazalet Jung shall disturb the nizam's country, it was stipulated that the English should take immediate possession, they having the reversion, and having been before bound to maintain the peace of the nizam's country—they also found that on the 23d of February 1765 another treaty had been concluded with the nizam, making some variations in certain articles of the former treaty, but confirming so much of it as related to the Guntoor Circar in the very terms which had before been used.

Your committee further found, That in the month of April 1779, Sir Thomas Rumbold and the council of Madras concluded a treaty with Bazalet Jung, for the surrender of the Guntoor, on certain terms, without the participation of the nizam, which had been expressly stipulated for both in 1766 and 1768.

In order clearly to understand the nature and effect of this transaction, and to judge of the reason alledged by the government of Madras for this disregard of the nizam; it was necessary to trace this matter down from the year 1775, at which time the presidency first conceived the idea of taking Guntoor into the company's possession, but not without the concurrence of the nizam.

It appeared to your committee, that previous to 1775, many letters had been written by Mr. Whitehill, when chief of Mazulipatam, to the presidency of Madras, and by officers stationed there, representing Bazalet Jung's having connected himself with Mr. Lally, who had brought some stores and troops into the Guntoor Circar, by the port of Mootapilly; and that the government in April 1775, directed Mr. Whitehill to keep a watchful eye over them — It further appeared, that the same kind of information was sent in May following; and on the 5th of June the board of Madras resolved to write to Bengal, relative to making Bazalet Jung dismiss those French troops, and inclosed the letters which they had received from Mazulipatam. — That on the 21st of July, the presidency received an answer from Bengal, dated the 5th of July 1775, authorizing them immediately to take such steps as may produce the effect of obtaining the dismissal of the French; and that a body of troops should be formed, which, together with the nabob's, might march to the frontiers of that country; and as Bazalet Jung had called in foreign
assist.

there, they recommended the insisting on the dismissal of that assistance; and concluded with this injunction, "on failure of which you will signify that your troops will take possession of his country, and that you will endeavour, by negotiation with the nizam, either by an offer of the whole revenues, or otherwise, to obtain an immediate cession of it to the company."—The consideration of this answer was deferred; and on the 7th of August, General Smith was directed to estimate the force which would be necessary for this purpose; which he performed on the 14th of August; but stated his arguments in favour of negotiating with the nizam rather than his brother, and these were adopted by the board unanimously.—It appeared to your committee, that the president on this occasion argued strongly for negotiating with the subah (or nizam) according to the treaty of 1766, and that a letter was accordingly written to the nizam, urging him to consent to obliging Baxalet Jung, 1st, either to dismiss the Europeans from his service, and trust to the English for the protection of his country, which is in reality their own, though conditionally vested in him; or 2dly, to let the whole Cunar, at an annual rent previously to be agreed on.—It was resolved to defer the sending of this letter till the nabob should be made acquainted with it; who appears, by the president's report on 21st of August, to have been averse to negotiation with the nizam.—It appeared, that the letter written to the nizam, but detained till the nabob's sentiments were further known, stated the treaties subsisting between him and the company, and the strict adherence of the English to all such treaties; but that Baxalet Jung had not adhered to the meaning of them in harbouring French troops.—It further appeared, that on the same day (the 13th of September) the president acquainted the governor general and council of their reasons for treating with the nizam, and were told in return to that letter (23d of October) that the governor general and council would wait the result of the nizam's answer before they gave any further instructions; and it also appeared, that a motion was made by Sir Robert Fletcher upon this subject of taking possession of Guntoor, in which the point is fully debated, and in which he was single.

The nizam's answer (which was transmitted to Bengal on the 22d of November) appears to your committee to have stated, that he had actually sent a person of distinction to have the Europeans in his brother's service removed from Adoni, and "every article (says he) of the treaty shall remain fixed to a hair's breadth."

Your committee find, that on the 9th of November the government of Bengal wrote to Madras in these terms. "if the nizam shall not agree to the terms proposed, or if he shall give an evasive answer, we then shall approve of your deputation a person to his court, but his commission is merely to be confined to the affairs of the Guntoor Cunar, agreeably to the instructions which we have already given you, which are to deprive the French of any footing in that country; and that the select committee, having transmitted the nizam's answer to Bengal, of course waited for a further letter from thence, before they took any additional step.

It appeared to your committee, that on the 2d of January 1776 the expected letter from Bengal was received, bearing date the 11th of December 1775 and on this subject was in the following terms. "in our letter of the 5th of July, we set it open to you, to take possession of Guntoor, unless Ba-

Bazalet Jung should dismiss all the foreigners in his service: without positively directing the measure, we authorize you to carry it into execution, if you should think it advisable, considering the general posture of things in the Carnatic. If the nizam obtains the removal, and we are put in possession of Moorapilly, the object of our first instructions will be answered; if not, we still allow you the same latitude to take possession of Guntoor, and shall be satisfied with the accomplishment of this by any just means."

In the whole course of this correspondence, it appeared that the governor of Madras, as well as the governor general and council, never lost sight of the treaty of 1768, but, on the contrary, that they made the nizam the principal party in the negotiation, the council of Madras expressly stating the terms of that treaty as the ground upon which they ought to address themselves to the nizam, and not to Bazalet Jung.

It appeared to your committee, that after his period, the influence of the French with Bazalet Jung had frequently been represented to the presidency of Madras as prejudicial to the interest of the company; and that on the 10th of July 1778, the president and select committee expressed their conviction of the evil tendency of this influence, in a minute to that effect.

Your committee find, that on the 30th November, the president, after stating that he had frequently conversed with Bazalet Jung's vakeel (who represented his master as extremely desirous of the company's good will) produced a treaty, proposed by Bazalet Jung to be entered into between him and the company, and ordered a letter to be written to Bazalet Jung, approving of his proposals, and also another to the governor general and council, desiring their opinions on those proposals; the purport of this treaty appeared to be, that Bazalet Jung should cede the Guntoor district to the company, for a certain annual payment to be made them, free of all charges, civil and military, and that he should dismiss the French troops in his service, in lieu of which his country should be defended by those of the company; and that on the 22d December 1778, the heads of the treaty appear to have been transmitted by the president to Bazalet Jung. The letter to Bengal, which accompanied a copy of these articles, appeared to be in very general terms, not specifying who the parties were to be, or what should be the mode of negotiation.

And your committee find, that on the 22d February, the governor general and council's answer was read at the board; wherein they say, "in regard to the alliance proposed to be formed with Bazalet Jung, we highly approve of the measure in general, and leave it to you to negotiate and finally conclude a treaty with him."

Your committee find, that on the 19th April the president proposed that a force should be sent under Col. Harpur, for the protection of Bazalet Jung's country; which was agreed to by the board; and that they acquainted the government of Bengal that they had so done, as Hyder Ally threatened an attack on the Cudopah country.

Your committee find, that on the 22d of April, much about the time of concluding the treaty, instructions had been given to Mr. Holland (who had just been appointed to an embassy at the nizam's court, on a most important subject, hereafter to be mentioned) in which mention was made of the affairs of the Guntoor Circar. The select committee therein explaining their idea

that Bazalet Jung had infringed the treaty of 1768, by entertaining the French troops in his service, entered into a discussion of that point, which will appear in the instructions themselves, stated at length in the appendix, and added these words: "we leave it to your judgment to press our views in this respect upon the nizam, as far as may be necessary to obtain his concurrence and good offices towards their completion."—Your committee find, that Mr. Holland afterwards, in a letter from Hyderabad, dated the 9th of May, acquainted them that, "with regard to the renting of the Guntoor Circar from Bazalet Jung, as you did not lay any stress upon it in your instructions, and as I was informed that my mentioning it would be totally useless, I have thought it best for the present to pass it over in silence;" but it does not appear to your committee by whom Mr. Holland was so informed. Your committee found, that the troops which the presidency had stipulated to place in Bazalet Jung's country, were put under Colonel Harpur's command, and instructed to assemble at Mootapilly, and march to Adoni, the capital of Bazalet Jung's other possessions in the Decan; and that in the course of Colonel Harpur's march, he was directed to follow a route leading through Hyder's country, which might have been avoided by taking another road, and crossing the Kistna in two places.—That Colonel Harpur soon found, by two letters from Hyder's manager, that his detachment would not be permitted to go through a narrow pass in the hills, called Atcour, which Hyder had guarded; and that when this was communicated by Colonel Harpur to the president and select committee, they expressed themselves, on the 3d of August, to be of opinion, that Hyder did not seriously intend to obstruct the passage; but directed Colonel Harpur to be on his guard, and that the president should write to Hyder upon the subject.—That on the 12 August Colonel Harpur acquainted the select committee, that Hyder's manager had collected troops, was throwing every impediment in his way, by cutting down trees, &c. and that he apprehended a stand would be made against him; that at length measures having been taken to surround his detachment, on the 14th of August he marched back into the Guntoor Circar: and it does not appear to your committee, that the select committee had taken any previous measures to secure Hyder's permission to make this attempt of marching through his country.

It appeared to your committee, that Bazalet Jung, during the course of this expedition, was very impatient for its progress, and had written several letters, full of anxiety, on that subject; having drawn upon himself the displeasure of the nizam and of Hyder Ally.—And your committee further find, that in a letter of the 29th of August 1779, the nabob sent to the governor a copy of a letter which he had received from Bazalet Jung, expressive in the strongest terms of Hyder at the nizam's resentment, on account of his treaty with the English; enclosing copies of letters to him from both those princes on that subject, expressive of their hostile intention towards Bazalet Jung and the company.

Your committee found, that the letter written by Hyder Ally to Bazalet Jung contains this passage: "in every part throughout Indostan, where the English have established their influence and got a footing, under the colour of giving protection and assistance, experience has shewn what treatment those have met with who have had any connection with that nation." He instances

instances the princes in the neighbourhood of Bengal: "my opinion," says he, "is, that they ought not to have a footing in this part of the country—it is not in my power to consent to your giving up the Circar to my old and bitter enemy.—If the English are put in possession, we cannot agree—why should their protection be solicited—how often have I defeated them?"

Your committee also find, that the letter from the nizam to Bazalet Jung contains this passage, "you well know the dispositions of the Europeans; when they get any thing into their hands, they never part with it; witness the state of Soujah Dowlah, &c. It is highly improper to throw so much power into the hands of Europeans," and says, "that Hyder will be little better than a zemindar, if the power should increase."

And your committee find, that on the 29th of September, Col. Harpur was again directed to proceed from Inacunda, where his camp was, to Adoni, by such route as Bazalet should propose, or should appear to himself practicable.

Your committee further find, that on the 4th of October 1779, the president produced to the board a letter from the nabob, desiring to have the management of Guntoor, stating, that he had heard "that leave had been given for this to the representatives of his friends," and also stating as his principal reason, that he wishes to administer justice in that country according to his own form. This letter appeared to be dated on the 19th September, and not to have been delivered in till the 4th October, and consequently that it must have been above a fortnight in the president's private possession. The terms proposed by the nabob appeared to have been as follows, that he should have the management of the Guntoor Circar for ten years, at the following rent, viz. First two years 200,000 Madras pagodas, next three years 205,000 ditto, next three ditto 210 000 ditto, next two ditto, 215,000 ditto, in all 270,500 for ten years.

Your committee find, that Mr. Smith requested to know of the president, whether the subject of the nabob's letter should be considered and be determined in the committee or by the council? and that the president was of opinion, that it should be settled in the committee; and that Mr. Smith thought it ought to be determined on by the council in their revenue department, and it appeared, that the president declared, that if he should hereafter find it necessary, he should enter his reasons at large for thinking the nabob's proposals should be determined on in the committee, Mr. Smith observing, that if he should find it necessary he should reply to them. Your committee find, that Sir Hector Munro and Mr. Whitehill were of opinion, that it should be taken into consideration in the committee.

It also appears to your committee, that the president then laid before the board, accounts of the produce of the Guntoor Circar for four years, as sent him by Bazalet Jung, and that those accounts were entered accordingly.

Your committee further found, that the president laid before the select committee the following extract from the company's letter, dated 4th March 1767.

"You inform us, that as soon as our authority shall be perfectly established in the Circars, you think it will be for our interest to give the management of the Circar of Condavir (or Guntoor) to the nabob of Arcot, at a reasonable rent; the reasons you offer in support of this opinion are very satisfactory. Such a boundary as the river Kistna must certainly prevent all co-

hour of dispute touching the limits; and the troops employed in the protection of the Arcot province, may hold that also in obedience; and you will take care to obtain from the nabob as high a revenue as could be procured in any other way" and desired the opinion of the committee, whether or not the proposals made by the nabob should be accepted, subject to the company's approval, and under such further limitations as the committee shall think proper for the security of the revenue and the welfare of the inhabitants.

Your committee find, that Mr. Smith thought the letting of the Guntoor Circar a very important matter. and not having seen the letter from the nabob, proposing to rent it, or the other papers now delivered in by the president, until that day, was not prepared to give an opinion upon them, and requested therefore that the consideration of the affair might be deferred till the next committee.

It appears to your committee, that Sir Hector Munro and Mr. Whitehill agreed in opinion with the president; who observed, that as it seems to be the wish of the company, that the nabob should have the Guntoor Circar at rent whenever it came into our hands, he does not see how, with that part of the company's letter before them, the committee would be justified in rejecting the nabob's proposals; that he is against delay in this business, as the season is very far advanced, and the revenue will suffer, if some measures are not speedily adopted; that he should have proposed the subject before, but was desirous of obtaining every necessary information of the value of the country, which he has accordingly done; that as he looks on the possession of the Guntoor Circar to be of very material consequence to the company, and has proposed every measure to the committee that he thought likely to obtain it, he is desirous the company should know by the ships now under dispatch all the steps that have been taken in the negotiation and settlement of the country, which he flatters himself cannot fail of meeting with their approval, and do credit to this government, whether considered in a political light, or as easing the company of some part of the burthen of their military expences.

And your committee find, that in consequence of this resolution of the board, the president acquainted the nabob, that his offer, under certain stipulations, was accepted; but they also find, that after the invasion of the Carnatic, viz. on the 23d of September 1780, the president and select committee of Madras acquainted Bazalet Jung, "that he having desired to be restored to his country, and the nizam having interested himself with the governor general of Bengal on the same account; they have ordered their troops to be withdrawn," for in the month of June preceding, the governor general and council appear to have sent their positive orders to Madras, for reinstating Bazalet Jung, and for withdrawing their troops and servants, forbidding the unfortunate presidency to exercise any judgment upon the subject, but directing them to pay immediate obedience to their orders, as they never meant the nizam should be overlooked. It does not appear to your committee, that any answer was sent from the board at Madras to this letter, till the 2d of September 1780; which they account for by acquainting the governor general and council, that they had considered of their letter of 12th June again and again, and insisting upon it, that they had authority to conclude

clude the treaty with Bazalet Jung, from the letters of 5th July, 9th November, and 11th December, 1775, and 31st December 1778: and your committee find, that they then acquainted them of their having let the Circular to the nabob, but that they had written to desire his resignation of it.— It appears to your committee, that on the receipt of this answer at Bengal, the governor general entered a minute, and that a letter was written in consequence of it, denying that there either was, or in fair construction could be, any authority given in those letters to break the treaty of 1768, by overlooking the nizam, as these letters contained no more than a general acquiescence to treat with Bazalet Jung: and he adds, that the government of Bengal was not made acquainted with the concluding of that treaty in April 1779, till the 18th of February 1780, which was several months afterwards; and that no answer had been given, or any notice whatever taken of positive orders from Bengal, for the restoration of Bazalet Jung, dated 12th June, to the 3d September, above two months after; and that in subsequent letters of the 17th September, the subject was studiously avoided: and that the governor general concluded this minute with moving, that Mr. Whitehill should be suspended (that gentleman having succeeded to the government on Sir Thomas Rumbold's departure, in the month of April preceding) which was voted unanimously; and the order for that purpose brought to Madras by Sir Eyre Coote, when he arrived to take the command of the army.

Your committee find, that Mr. Whitehill entered a minute on that occasion; which does not appear to contain any answer to the facts stated in the letter from Bengal, but consists of an argument against the authority of the supreme council in the present case, and an exculpation of his own conduct, as the treaty had been originally made by Sir Thomas Rumbold.

Your committee further find, That after the vote of suspension had been passed on Mr. Whitehill, he was still permitted to deliver in another minute; in which he ascribes it to his own forbearance and discretion, that a civil war should not be raised in the settlement upon this occasion, if force were used to remove him from his seat in council.

Your committee next adverted to the manner in which this transaction with the brother of the nizam had been represented to the directors, the sentiments they entertained, and the conduct which they held upon it; and found, that when this matter was in agitation in 1775, the government of Madras, on the 4th of July 1775, acquainted the court of directors with the steps which had then been taken to prevent the growth of the French interest in Gunttoor: from which letter it will appear, that the interests of the nizam, and the treaty of 1768, were fully attended to: and your committee further find, that on 10th July 1778, it had been stated to them, by a general letter, that the French party in Bazalet Jung's service had assumed the consequence, which alarmed Bazalet Jung himself, and that the president had paid attention to proposals received from him on that subject; and it also appears, that on the 17th October, another general letter from Madras acquainted the court of directors, that they had hopes of concluding this matter with Bazalet Jung: and your committee find, that on the 13th March 1779, the court of directors was informed, by another general letter, that the treaty would soon be concluded, the objects of which are stated in a general letter from Madras (dated the 14th October 1779) to be not of a pecuniary nature, but
necessary

necessary for the security of the Circars, and the nabob's northern possessions, against the ravages of Hyder Ally, to which these countries are open.

Your committee also find, That on 31st October 1778, Sir Thomas Rumbold, in a letter directed to the chairman of the East India company, represents his views in obtaining the removal of the French troops from the Guntoor Circar, and getting the actual possession of it, to be, that it may remain under the company's management.

And your committee find, That in this letter the directors are told, that the discussions which had taken place with the zemindars called down to the presidency, would strike at the root of many evils, and that he had no doubt that their heavy balances would be paid by them.

The letter of the 14th October above-mentioned, is found by your committee to acquaint the directors, that the president had employed himself in ascertaining the value of the Guntoor Circar for the few last years of Bazalet Jung's collections; and that as the nabob, by the letter of the 4th March 1767, had been promised the Guntoor Circar whenever it should come into the company's hands, his highness had put them in mind of that promise and had made the proposals above stated, thereby offering a higher rent than had been collected in any of the four preceding years. That the produce of the country could be realized only in one or two ways, either by collecting it, in which case any deficiency must be made good by the company to Bazalet Jung, or by letting it to the nabob, the only responsible tenant.

Your committee, in order to enable the House to judge of the true meaning of the passage cited from the letter of the 4th March 1767, examined the whole of that letter, and found that the paragraph (No. 12) immediately preceding that which was relied on, contained reasons against continuing the company's Jaghire lands in the hands of the nabob for more than a year, which the court of directors represent as equally applicable to the case of the Circars. And your committee also examined a letter of the 1st April 1766, which had given occasion to that of the 4th of March 1767, and without which your committee conceived the latter could not perfectly be understood. Your committee found, That the letter of the 1st April 1766, was written soon after the cession of the northern Circars; and stated, that the presidency of Madras, by reason of some pecuniary transactions, were induced, at one time, to entertain thoughts of letting the whole Circars to the nabob; but that they had abandoned that idea, from being convinced of the propriety of keeping them in the company's hands, and in order to avoid giving offence to the nizam, whose country adjoins to the company's Circars, and who was jealous of the nabob's designs on the Decan: but that as to Guntoor, your committee find that they express themselves in these words: "As it lies on this side the Kistna, and is intermixed with the nabob's country to the northward, and the troops which he is obliged to keep there to guard that country, will at the same time preserve tranquility in Condavir (i. e. Guntoor) it may be for your interest to give him (the nabob) the management of it, at a reasonable rent, as soon as your authority is perfectly established."

Your committee find, That the court of directors, in their general letter of the 10th January 1781, say, "That they shall not waste time in pointing out the very different situation of affairs at present, compared with the period of 1767; nor by pointing out what many years experience has shewn, that none but the company's troops should be trusted in any part of the nabob's country:

country: That a lease to the nabob for ten years, is directly contrary to the spirit and letter of repeated instructions; and that the conduct of the president and majority of the council in this respect amounts to little less than open contempt of the authority of the court of directors: that if the president and select committee had considered the twelfth paragraph of the letter relied on, of the 4th March 1767, and reflected on the repeated representations which had been made against suffering the Jaghire lands to be under the nabob's managers, they must have seen the application of them to this subject, and would not have established the nabob's people in a country, of which they had so recently acquired the possession, and which separates the company from their northern districts."

Your committee find, That the court of directors, in this letter, deny that the letter of 1767 imports any promise to the nabob, or that he claims any such promise, as he goes no further than to say, that he has heard that leave had been given to grant him a lease of this Circar.—The directors then observe, that as to the offensive clause which subjects the bargain to their future approbation, they are really concerned to find their servants capable of sheltering themselves behind a subterfuge which they ought to have been ashamed of stating, knowing, as they must, the inconvenience and embarrassment that must attend the operation of that proviso, if the company should think fit to amend the agreement.—That, however, they do expressly disallow the agreement, and positively direct the guntoor Circar to be resumed for the company.—That Hyder Ally could not be expected to remain an indifferent spectator, if in addition to the offensive plea of expelling the French from the Guntoor Circar, that country were put into the hands of the nabob, his inveterate enemy; and that the presidency, as they themselves represent, had been informed by the nabob, that Hyder was acquainted with every thing that passed at his durbar.—That colonel Harpur's march of 6 days through Hyder's country, without his consent, was highly imprudent; and that if Bazalet Jung's country is kept, and they are unable to afford him the stipulated protection, he will probably fall a sacrifice to the resentment of the nizam and Hyder Ally; adding this observation, "The latter has, by your imprudence, had an opportunity of acquiring and manifesting additional consequence; the result may render him still more troublesome, and the conclusion be unfavourable to the company's affairs on that side of India."—Your committee further find, That in this general letter the court of directors animadvert upon the manner of letting this Circar to the Nabob, which they term precipitate and unjustifiable; and that they agree with Mr. Smith in opinion, that the nabob's proposals ought to have been considered in the council at large in their revenue department, and not in the select committee.—That Bazalet Jung, and his accounts, were made a substitute for a committee of circuit, with this difference, that the committee of circuit's reports would have come before the board at large, but Bazalet Jung's representations were, by the custom of the service, subject in the first instance to the president's inspection only.—That they commend Mr. Smith's conduct, in wishing for time to consider of the accounts and proposals till the next committee; but that this request, which they deem reasonable, was refused.

Your committee further find, That the directors observe that the nabob's letter was above a fortnight in the president's possession, and when brought to light, a majority appeared ripe for decision; that the question was forthwith

and carried, for a ten year's lease, with as little ceremony as if it had been for the purchase of a bale of cloth; as though it had involved no consideration of importance, nor been of the least consequence to the peace of the country, or welfare of the company, although the presidency had every reason to believe, from the strong representations of Hyder and the nizam, that it would be extremely difficult to reconcile them to the measures, or to fulfil their stipulation with Bazalet Jung, even by force of arms.

Your committee having examined the origin and progress of this treaty respecting the Guntoor Circar, and the effect it produced on the minds of the nizam of the Decan and Hyder Ally; and having also examined the conduct of the supreme council upon that occasion, as well as the sentiments and conduct of the court of directors, proceeded next to examine another important transaction, what was going on with the nizam, and which is intimately connected with the transaction with his brother Bazalet Jung above stated.

It appears to the committee, That on the 27th January 1779, Sir Thomas Rumbold delivered in a minute, accompanied with certain letters of intelligence which he had received; from all which, together with a consideration of many points respecting the affairs of the Carnatic, he was induced to propose to the committee, that Mr. Holland should be sent to the nizam's court; and he urges it as necessary, "if no other consequence were to arise from it, than our being at a certainty of the views and intentions of the nizam, and to obtain such intelligence as we now only receive by chance; the settlement of the Guntoor Circar; the payment of the nizam's tribute; the being at some certainty with respect to any intrigues the French may be carrying on, are all objects of importance; and the sending some person immediately to Hyderabad, as well as to Hyder Ally, appeared to him absolutely necessary."

Your committee find, That the tribute here alluded to, payable to the nizam, is five lacks of rupees, stipulated to be paid to him when the Circars were surrendered in 1764, and is called peshcush—And it appeared, that the committee agreed to this proposal, and order a letter to be written to the governor general and council, and acquainting them with this measure; which letter, dated 7th February, sets out with acquainting them of their having intelligence from Poonah, "that the company's arms had sustained a disgrace; and with respect to the nizam, they say, that his avowed attachment to the Poonah ministers, and the warmth with which he remonstrated to your board, and to this government, against the designs which he understood to be formed in favour of Ragonaut Row, sufficiently shew how he must have received the news of this disaster, and how materially this misfortune will contribute to strengthen the inclination he will naturally have conceived to our prejudice. As our northern Circars are so open to invasion from the dominions of Nizam Ali, and as there is but too much reason to doubt of his friendship for the company, we think it highly expedient, at this juncture, to have the best intelligence of his designs, and to be timely informed of any motions he may make towards the provinces. For this purpose, as well as to settle every thing that may be necessary for obtaining the Guntoor Circar, and procuring the dismissal of the French troops from the service of Bazalet Jung, we have appointed one of the company's servants to proceed to the court of Nizam Ali, in quality of resident: he will have instructions to correspond with your board, and to communicate every information you may require from that quarter."

And

And your committee find, That the instructions given to Mr. Holland on this occasion, were to the following purport: that he should endeavour to remove from the mind of the nizam any unfavourable impression he may have received respecting the Maratta war, and the expedition set on foot from Bengal; to substitute others more favourable in their stead, and to cultivate the friendship established between the nizam and the company by the treaty of 1766. But as some circumstances had happened, with respect to the Guntur Circar, which might be thought to affect the terms of that treaty, they enter into an explanation of the danger to be apprehended from the French troops which were in his service; and acquaint him, that they had opened a negotiation with Bazalet Jung on that subject, inclosing a copy of the treaty proposed by that prince, together with their answer; and inform him, that they shortly expect a final conclusion of it. They acquaint Mr. Holland, that it is left to his judgment to present this matter with the nizam, in order to obtain his concurrence; and inform him, the treaty of 1766 having been concluded with the nizam only, they have hitherto made all their supplications to him, considering him as responsible for the due execution of that part which concerns his brother. They then state to Mr. Holland, that in their opinion, Bazalet Jung has infringed the treaty, by entertaining French troops, and that they have for that reason retained the nizam's peshwa, or tribute.—That this must however be explained to the nizam, so as to remove any doubts about the future regular payment of his peshwa. And they further direct Mr. Holland to convey every necessary intelligence to the supreme council, as well as to themselves, and to be as early as possible in all communications to both presidencies.—And your committee find, That on the 19th April 1779, the select committee resolved to acquaint Mr. Holland (who had arrived at Hyderabad on the 6th) with the steps which had been taken to assist Bazalet Jung, that he might avail himself of it with the nizam, in order to engage him to take a part with his brother in checking the dangerous designs of Hyder Ally: but your committee do not find the answer to this letter entered upon the Madras consultations, either within the time in which letters appear in the usual course to have been received from Hyderabad, or at any after period.—It appeared to your committee, that Mr. Holland, in September following, transmitted to Bengal his whole correspondence with the presidency of Madras, and among others a copy of this answer, which appears to have been written on the 17th May, and contains an account of the nizam's being greatly offended with the presidency.—And it further appears to your committee, that Sir Thomas Rumbold, in a letter to Mr. Holland, dated 10th June, acknowledges the receipt of this, together with another letter of subsequent date, viz. 24th of May. But your committee cannot ascertain the day on which it was so received by Sir Thomas Rumbold, as he only mentions his having duly received it: but your committee find, from examining the dates and receipts of many letters from Hyderabad to Madras, that ten, eleven, or twelve days is the usual time required for transmitting them from the one place to the other, and that in the present instance eighteen days had elapsed between the 27th of May (the day of the date) and the 5th June, when a very important step was moved by the president, which added greatly to the nizam's resentment.

Your committee find, That this letter of Mr. Hollond's, dated 17th May (addressed to the president and select committee) informs them, that in his audience of the nizam, he had stated to him the measures taken in support of his brother, and the hopes which were entertained that he would assist the presidency with troops, to check Hyder Ally; but that, from the change in his highness's countenance, he saw that he was much distressed; and that when he requested an answer, the nizam told him, that affairs of this nature were attended with serious consequence, and required mature deliberation, and gave several reasons why he could not furnish troops or provisions.—Your committee further find, That Mr. Hollond, in this letter, represents, that in a second conference with the nizam, his highness observed, that it was extraordinary, when a person was sent for the purpose of strengthening their friendship, that the company should engage in measures so little likely to produce that effect.—That he read over the articles of the treaty of 1768, and said, that entering into engagements with his brother was a direct violation of it.—That the presidency had no right to interfere in the concerns of his family; and that he ought to have been consulted.—And it appears to your committee, That Mr. Hollond endeavoured to excuse this, by observing, that the presidency were so well assured that Hyder Ally intended immediately to attack his brother's country, that there had not been time for consulting him; but that the nizam denied that Hyder had any such intention, and always reverted to the treaty, saying, that nothing could be urged in vindication of the steps which had been taken, and that if the treaty was to be observed, the troops should be stopped from marching into the country; if it was not to be regarded, he should be obliged to oppose them. Mr. Hollond adds, that the nizam had informed him, that Hyder Ally intended speedily to fall on the Carnatic, in his former manner of plundering and burning, and avoiding pitched battles; and that he has no doubt of the nizam's wishes to form an alliance with the English against Hyder Ally.

Your committee find, That previous to the date of the foregoing letter, the nizam had written a letter to Madras (received on the 10th of May) in which he expressed satisfaction at the appointment of Mr. Hollond, and represented himself as determined to adhere stedfastly to treaties; and that Mr. Hollond acquainted the presidency of his arrival at Hyderabad on the 6th, and the honourable reception given to him by the nizam two days after his arrival; and that at the second interview with the nizam, he had assured him, according to instructions, of the company's intentions to adhere strictly to the treaty of 1768; that with respect to the pecuniary for the Circars (in full confidence of his giving all reasonable satisfaction with regard to the Circar of Guntour, and the troops in Bezalet Jung's service) it was their intention to give orders for paying the arrears, and discharging the pecuniary regularly in future, according to list; and that his highness made the strongest and most earnest declarations of his desire to be upon terms of the strictest friendship with the company; saying, "That he had never deviated in any instance from the treaties subsisting, had resisted solicitation to support the French, and had caused his brother to dismiss Lally and his troops from Guntour," which Mr. Hollond informs them the nizam had taken into his own service, to prevent their joining Hyder and the Marattas, as the nizam alleged. And your committee find, That the answer which the president proposed to be

be made to Mr. Holland's letter, appearing on the select consultations of the 5th of June, directed him to state to the nizam, that it was wished the French troops had been sent to the sea coast, where they might have been sent, together with other French prisoners, to their native country, that they might not disturb the peace of the different states of India. And your committee also found, That the governor's minute then proceeds in these words; "I must now request the committee's permission to lay before them my sentiments on a particular point, if possible, to be negotiated with the soubah. If I should be so happy as to find the committee with me in opinion, I would recommend that Mr. Holland be wrote to on the subject. I am sensible it is a very delicate one, and must not be abruptly gave into; but that the opening it to the soubah (nizam) will require much management on the part of Mr. Holland, who must, by turns, sooth and work on his apprehensions as occasion may require. I have always considered the peshcush as disgraceful to the company, and an acknowledgment which the soubah had no right to demand. The giving up the Guntoor Circar during the life of his brother Bazalet Jung, was sufficient condescension. The grant from the Mogul was free and unconditional for the five Circars; and the receiving them afterwards from the nizam, on paying him an annual peshcush, was a sacrifice of the company's rights. The time seems favourable to throw off so heavy a burthen; for the immense expences the company are put to, both to the northward and in the Carnatic, renders it necessary that we should endeavour to relieve them as much as possible. We may with safety make the attempt, and try to obtain a remission of so unnecessary and so improper a tribute, which by the Mogul's phirmaund to the company, the soubah has no legal title to; but in the end, should the withholding of it be impolitic, or likely to be attended with difficulty, we may then make good the payments to him. I am persuaded he is not sufficiently powerful to enforce the demand; and the ground I go upon is, that he would not have been entitled to exact such a mark of dependence, if the original phirmaund from the emperor had been properly attended to." And your committee further find, that after some other arguments (grounded on the circumstance of the peshcush having been but two lacks for the first six years, and afterwards raised to five by the treaty) that he proposed that Mr. Holland should be written to particularly on the subject, that he might use his utmost endeavours to obtain so desirable an object; "nor (continued he) would I have him inen- tion any compromise, or stipulate for the payment of any part of the peshcush, till every endeavour has in vain been used to induce the soubah to relinquish the whole; and Mr. Holland may from his observations learn, if there are any points in which the soubah wishes a compliance on the part of the company that may be acceded to in return for giving up his claim to the peshcush." And it appears, that the select committee intirely approved, and ordered the letter accordingly, which was signed on the 11th of June (as Sir Thomas Rumbold states in his minute of the 30th of December) proceeding in the same strain of reasoning with the president's minute; and concluding in these terms: "Although our wishes extend to an entire remission of peshcush, which we would have first proposed to the soubah, and supported by your best endeavours, yet we confess, that without something of importance to tempt him, we can hardly expect he will

it once be brought to so great a concession; but we hope, by making the demand at this time, we shall more easily obtain what we think we have a just claim to, which is a considerable abatement in the amount of the peshcush. If therefore the Subah, after all your endeavours, shall appear disinclined to remit the whole, you will try to bring the peshcush back to the former standard of two lacs, which is as much as the countries can afford." Your committee find, that the terms of the original treaty are these (viz.) That from 1768 to 1774, the company shall pay two lacs a year—from 1774, the sum of five lacs; and when the Guntoor Circar shall come into possession, seven lacs annually.

It appears to your committee, That Mr. Holland's answer (26th of June) represented the nizâm as continuing the same language as he had before held, with respect to his entertaining Mr. Lally and his troops, and that he speaks of them as vagrants of all nations.—As to the treaty with Bazalet Jun., that he (Mr. Holland) had represented to the nizâm, that, in fact, the company had a right to the Guntoor Circar, by Bazalet's having broken the second article of the treaty, in harbouring the enemies of the English, but that they were satisfied with renting it from him, and undertaking, at the same time, to defend his territories.—But your committee find, That when the subject of the peshcush was mentioned, Mr. Holland acquaints them, that the nizâm was exceedingly agitated, and said, that he finds that the presidency was determined to break the treaty; that there was no further occasion for his (Mr. Holland's) staying there, and that if they were bent on war, he was likewise ready; and that if they saw any advantage in breaking with him, he should be very well pleased, as he was convinced, in case of a rupture, the profits of the contest would be on his side.—That the surrender of these Circars was grounded on the fraud and ignorance of his managers, and that he had submitted to that heavy loss from a sense of his engagements, and considered himself as bound by the treaty.—That he threatened immediately to join Hyder Ally, and desired this might be communicated to the presidency, and a speedy answer returned; for if there were any delay, his troops might possibly advance on Colonel Harpur.—And your committee find, That on the 10th of July, the select committee answered this letter; observing, that although the nizâm's resentment is raised, they still flatter themselves with greater success than they could have procured by a different line of conduct; and that they directed Mr. Holland to represent, that no threat was meant, but that it was intended the remission should proceed from the nizâm's favour and generosity—that the claim, however, is built on such foundation of equity, that it cannot be relinquished, and hope he will be convinced of it—that as they cannot flatter themselves that an entire remission will be granted, Mr. Holland may make propositions for abatement of the tribute; and concluded with instructing him, that though they will pay what is due, when in cash, they shall be fully prepared to revenge the least insult that is offered to them.

Mr. Holland's answer to these orders (dated the 31st of August 1779) appeared to your committee to state, That he and the nizâm had gone over the subject with the same arguments which had been used on the former occasion—that he seemed particularly agitated, when it was stated to him that he had made the same remission in favour of others—that he still spoke of the necessity

necessity of commencing hostilities, if the peshwa were withheld, saying, that he (Mr. Holland) might have his audience of leave in two days; and that he had received a message accordingly, to prepare himself for his departure.---Mr. Holland also stated this as the reason why he did not make the propositions of paying the arrears, if the peshwa in future were remitted, believing the message to be an artifice to drive him to the last proposition he might have in charge, and that Mr. Holland then represented his wish, that a nazir (or present) might be offered to the nizam, as he is satisfied that the remission having been once proposed, ought to be carried through, lest it should appear to be deferred from weakness; and that he conceives that the nizam's reluctance proceeded from the credit he derives from this tribute being paid to him by the English company.

Your committee finding, That the negotiation with the nizam stood in this situation in September 1779, it was thought necessary next to advert to the proceedings at Bengal on this subject; the president and select committee at Madras having acquainted the governor general and council with Mr. Holland's deputation, on the 7th of February 1779, and having informed them that he was instructed to communicate with the governor general and council.

Your committee have stated above, That Mr. Holland had writren to Bengal on the 9th of May, but thenceforward, to the 3d of September, no letter appears to have been written by him to the government of Bengal.—On that day your committee find that he wrote very shortly, inclosing copies of the several letters enumerated below, the substance of which have been already mentioned; and informing them, “That he should have sent them separately at the time they were written, but deterred doing it, in expectation of being able to give them more decisive information, with regard to the objects they relate to.” The soubah (he added) talks of taking the field as soon as the rains are over, but his motions must depend upon the turn the negotiations take with the ministers of Poonah.

The inclosures are,

His letter to Madras, the 9th of May.

Letter from Madras to him, the 22d of April.

Letter to Madras, the 17th of May.

Letter to him from Madras, the 11th of June.

His answer, the 26th of June.

Letter from Madras, the 10th of July.

His answer, the 31st of August.

Your committee found, That the governor general, on the 25th of October, entered a minute upon this subject, recapitulating the objects of Mr. Holland's original instructions, as sent to the governor general on the 7th of February, which he considers as wise, and consistent with the power of the government of Madras, independent of the controul of the governor general, being merely calculated to maintain peace; but observing, by the tenor of the subsequent instructions, it appeared they had been imperceptibly led from their first design, into a train of demands, which are, both in their nature and tendency, opposite to it, and have proved such in their effects. The treaty with Bazalet Jung, says he, is concluded and avowed without the interposition of his immediate sovereign and their ally;—the
arrears

means and current payment of the peshcush withheld, and effectually, though indirectly, refused, under pleas highly unreasonable and irregular; and a demand made for dismissal of the French and other enemies, and native forces, entertained under the command of Lally, a French officer, a demand in itself reasonable and suitable to the relation in which they stand with the nabob, but neither politic nor reasonable, while their other demands indicate war, and are even accompanied with indirect threats of it. And the governor general observed on the light in which the nizam received these propositions, as proceeding from a proper sense of insult: That the demands of state imply consideration, and a determination to support them; that the cession of the Circars was extorted by necessity, and an attempt to deprive the nizam of his peshcush, is therefore doubly criminal. The governor and council (continued he) have, however, on 10th July, expressed their hopes to succeed from the generosity of the nizam, and have apparently reduced the negotiation to a quiet acquiescence in the treaty, as it now stands, apparently, because they conclude with this expression, that they will discharge what is due when they are in cash, but will defend their just rights if they should be attacked; and observed, that they will have disturbed, in any event, the good understanding between them and their ally; that all negotiation should originate with the government of Bengal; that they had given their sanction to Mr. Holland's appointment, under inducements widely different from the circumstances which have since been made the object of that negotiation. And your committee find, that he therefore moved, whether the board shall interfere, or should leave the conduct of the negotiation to Fort St. George; and that it was unanimously carried for interttering.

Your committee also find, that a letter was written, on the 1st of November 1779, to the nizam, calculated to throw as little blame as possible on the government of Madras, in the eyes of the nizam, and yet to quiet his apprehensions; and that the letter states, that the government of Madras could not have had an idea of the offensive intentions which his highness imputed to them; for if they had, they must have imparted it to the government of Bengal, as such a design could not be carried into execution, nor could the company's name be ever pledged without the sanction of the supreme council; and that they acquaint the nizam, that they have directed Mr. Holland to suspend his negotiation till he shall have received further instructions from his immediate constituents, to whom they have written for that purpose. And your committee find, that on the 1st of November, the supreme council accordingly wrote to Mr. Holland, suspending his negotiation, and inclosing the foregoing letter. Your committee further find, that the governor general, &c. also wrote to Madras on the 4th November 1779, in the same strain of propriety and moderation that was held in their letter to the nizam, and inclosed to them copies of their letters to Hyderabad, requiring their strict conformity to the subject of these letters. It appears to your committee, that Mr. Holland, on the 18th December 1779, acquainted the governor general, that he had delivered his letter above mentioned to the nizam, who expressed great satisfaction. And it also appears, that the nizam's answer dwelt on the reputation of the English for good faith, and then adverted to the negotiation of Mr. Holland; and states, that the go-

vernment

government of Madras had by violence seized the Circar, which by treaty belonged to his brother; and asks, what was he to conclude from such conduct, but a breach of the treaty? and declares, that he was on the eve of revenging these insults when their letter arrived, but that he has now put a stop to his measures. "If (says he) what you write is from your heart, and the government of Madras will remain strict to treaty, and will relinquish possession of the Circar, it is well; if not, I have nothing of more consequence than defending my country. It is from this new line of conduct of the English company, that the foundations of enmity have been laid in the whole country of Indostan." And he concludes with desiring their friendship may continue steady.

Your committee find, that on the 14th February 1780, the governor general and council took into consideration a letter from Madras, dated 15th January 1780, in answer to theirs of 4th November; in which the president and council of Madras express surprize that their endeavours, by friendly and persuasive means, to get rid of a heavy and disgraceful burthen, should be deemed a breach of faith; they state their first representation to the nizam, as erring rather on the side of forbearance; and that the violent manner in which the soubah received them, had occasioned the spirited representation made by Mr. Hollond, and their subsequent orders to address the nizam in a style suitable to the offence he had given: they express themselves as greatly concerned at the interposition of the governor general, and the manner of it; asserting, that no interference on this occasion was justified by their restraining powers: they cite the clauses above stated in the act 13 George III. and observe, "that the restraining power is confined to two points; orders for declaring war, or for making treaties, not a positive compelling power extending to all political affairs; but that the nizam chose to continue this inoffensive, and even forbearing conduct, into a design of committing hostilities, and to express himself in a style that betrayed more weakness and folly than any purpose from which they might apprehend danger;" and add, that they had written to the nizam to satisfy him in regard to the perscuth.

Your committee further find, that this letter inclosed a minute of Sir Thomas Rumbold's, which the council of Madras alluded to as containing their own sentiments; in which he complains both of the matter and style of the letter from Bengal, and then proceeds to shew, at very great length, that the nizam's resentment arose from the Maratta war, and the part which the government of Bengal had taken in it: and it appears, that the president very elaborately disputes the point of jurisdiction and endeavours to shew, that the controlling power is confined to the concluding of a treaty only, and not to the intermediate negotiation; that he insists upon the same positions which are dwelt upon in the letter which accompanied it, at much greater length; and observes, that the stoppage of perscuth is justified by the same practice which obtained in the case of Shaw Allum; recriminating upon the conduct of the presidency of Bengal with much warmth, and acquainting them, that in the last committee he had moved for the recall of Mr. Hollond, to whom letters had been sent for that purpose on the 17th December preceding.

Your

Your committee find, that the governor general entered a minute upon these letters, hoping at the same time that the board would concur with him in referring these extraordinary performances, as he terms them, to the court of directors, and that he declined making any particular reply to them.

In answer to the letter from Madras, the governor general and council appear to your committee to satisfy themselves with protesting against the doctrine therein laid down, which endeavours to confine their controlling power merely to the concluding of a treaty; and not seeing how the rest, in any shape, applies to the measures of either board, they make no reply to it.—Your committee also find, that on 16th January Mr. Hollond acquainted the governor general of his recall; and was much surprized that the letter which recalled him should have desired the nizam to send down one of his own “ confidential servants to Madras, to confer with that presidency on such matters as he might have to propose;” and that he concluded from his having had no separate letter or official copy of that to the nizam, that the governor was personally dissatisfied with him; and conjectured, that this might arise from the nabob of Arcot, or Fazel Beg, whose intrigues he always suspected, as a free intercourse with the nizam was mischievous to both, or from his having communicated, pursuant to his instructions with the governor general and council.

And your committee find, that he thought it absolutely impossible to make the nizam easy on the head of Bazalet Jung, whom that prince considers as independent the moment the company's troops reach Adoni; and that Mr. Hollond stated his own opinion of the very pernicious tendency of his subsequent instructions relating to the persecutions, especially at so critical a time, when Hyder was connecting himself with the French, and Lally actually gone over to him.

And your committee further find, that on the 14th of February 1780, the governor general and council, in order to obviate the ill effects which might proceed from Mr. Hollond's sudden recall, took into consideration the necessity of appointing a person to reside as their minister at the court of the nizam. The reason particularly stated, is, that his recall would have too visible an appearance of disunion between their government and that of Madras; they therefore resolved, that an application should be made to the president and select committee at Madras, for their permission to appoint Mr. Hollond to reside as public minister on the part of the governor general and council at the court of the nizam, for the purpose of negotiating such matters as remained to be adjusted with him. They further resolved, that Mr. Hollond should be furnished with credentials for that purpose, and directed to remain at the nizam's court, until an answer should be received from Fort St. George: and they state, as additional motives for appointing Mr. Hollond their resident, that advantages would arise from his being jointly appointed by both presidencies, and his having had the approbation of the select committee at Madras.

And it appears to your committee, that Mr. Hollond was accordingly written to, his negotiations being restricted to his original instructions; and that the governor general also acquainted the nizam with Mr. Hollond's new appointment, and communicated this to Madras.

Your

Your committee further find, that whilst the governor general and council were thus employed in restoring the company to the nizam's friendship, the government of Madras were taking measures for the recall of Mr. Holland from his embassy; for on the 14th December 1779, the recall of that gentleman was moved by Sir Thomas Rumbold the president, adding, that the nizam should be informed, that they should be glad to receive any person from his court; and it appears, that on the same day he entered a minute upon that subject, and wrote to the nizam, acquainting him with Mr. Holland's recall, and again, on the 30th December, delivered in another long and elaborate minute, entering largely into the Maratta war, and protesting against being answerable for the consequence of obedience to the orders of the governor general and council, but yet submitting to them from a sense of the necessity of preserving harmony between the two boards. From the 31st December 1779 to the 1st April 1780, the records of the presidency at Madras, could not be furnished to your committee, as they had been lost on board the General Barker, and no duplicates had been sent by other ships; but the following minute of Mr. Johnson, entered on the 22d of May (from which period some of the records are in England) is sufficient to shew that Mr. Holland had been suspended from the company's service, with severe reflections upon his whole conduct, and as far as relates to this particular subject, will serve in some degree to supply the defect in the company's records.

It appears to your committee, that Mr. Johnson declined entering into the discussion of the powers claimed by the supreme council (which he asserts to have been the ostensible reason for the suspension of Mr. Holland) causing to confine himself to the arguments contained in a minute left by Sir Thomas Rumbold, and dated on the 1st of April preceding, recommending the suspension of that gentleman from the service.

That Mr. Johnson denominates this minute a political testament, by which Sir Thomas Rumbold assumed the power of directing the proceedings of the committee, even after his resignation.

Your committee find, that Mr. Johnson endeavours to refute the late president's interpretation of that part of Mr. Holland's instructions which directed him to communicate with the supreme council, viz. "That such communication was only to be made of matters relating particularly to Bengal;" observing, that the words of the instructions ordered him to convey every necessary intelligence to them, as well as to us, and to be as early as possible in his intelligence to both presidencies; and that in other instances, where the correspondence was meant to be limited, it had been so expressed.

Mr. Johnson appears to your committee to have combated another argument, viz. That Mr. Holland had never been particularly directed to communicate with Bengal on the subject of the process, which depended upon subsequent instructions, and therefore could not fall within the scope of his general instructions to correspond with the supreme council; and also animadverted on some objections of Sir Thomas Rumbold, to matters which have come to his knowledge, but which he forbears to express. Mr. Johnson takes notice of an expression contained in the late president's minute, wherein (after objecting to Mr. Holland's correspondence with Bengal, and his receiving a fresh appointment from thence, and considering it as a great honour) Sir Thomas Rumbold is stated to have observed that this exceeds

all that went before; to which Mr. Johnson opposes the prior letters of great commendation, which had been sent from the president and committee to Mr. Hollond. And it further appears, that Mr. Johnson ascribes all that had happened respecting the treaty with the nizam, not to Mr. Hollond's having actually assented the views of the nizam (as Sir Thomas Rumbold had asserted in his minute) but to their having attempted a negotiation with a country power without the permission of the supreme council, and contrary to the injunction of an act of parliament. Mr. Johnson further appears to have compared the reasons assigned by the late president for the recall of Mr. Hollond, on the 30th December 1779, namely, a compliance with the wishes of the supreme council, with those which were given on the 1st of April 1780, viz. an unauthorized communication with Bengal, and great breach of trust on the part of Mr. Hollond, in favouring the views of the nizam; and observes, that these reasons, if they existed at all, existed in December, but were not then stated.

It also appears, that Mr. Johnson vindicates Mr. Hollond for having obeyed the orders of the supreme council, in remaining at the nizam's court, notwithstanding he had received previous letters of recall from Madras; and concludes with speaking of Mr. Hollond as an able and faithful servant, and strongly objecting to his suspension from the service of the company; which however took place; but that gentleman has since been reinstated by order of the court of directors.

Your committee have thought it proper to state this minute at length in the appendix, as it is the only document from whence the conduct of Sir Thomas Rumbold and the council can, in any degree, be collected, subsequent to 30th December 1779, respecting their opposition to the interference of the supreme council upon this occasion; to which interference the court of directors have given their sanction, by the general letter, dated 10th January 1781.

Your committee having traced the course of the negotiation with the nizam from its commencement to its conclusion, and having examined the transaction with his brother Bazalet Jung, which terminated in a lease of the Guntoor Circar to the nabob Mahomed Ali; then proceeded to examine the conduct of the governor and council of Madras, in letting certain other lands called Jaghire lands, belonging to the company, immediately adjoining to Madras, and which were also let to the nabob of Arcot for three years.

The sentiments of the company on the subject of these lands, appeared to your committee to have been fully communicated to their servant abroad, in their letter of the 12th April 1775 (the same which established the committee of circuit;) in which the directors order, that the Jaghire lands should be kept in the company's immediate possession, and that the nabob should not rent them, unless he should agree to such arrangements as they deemed necessary for mutual advantage. "You are to agree with him (say they) for renting them for one year only, and that on condition that our committee of circuit are at liberty to explore the country, and to ascertain the real produce and revenue thereof."

Your committee thought it proper to trace the practice of the company in letting these lands antecedent even to this period of 1775, and found that these lands were granted by the nabob in Jaghire to the company, at different

est

ent times, in the years 1763, 1764, 1765, and in 1768 and 1769 were surveyed by order of the presidency.—That in the year 1769 the board at Madras represented to the court of directors the impropriety of letting those lands to the nabob on any terms; and as his then present lease was to expire in July 1771, desired to be instructed as to their continuing under the nabob's management, or being let to other renters, or being managed by amildars; that the directors, in answer to this letter (on the 10th April 1771) expressed themselves as averse to lessening the nabob's importance, or increasing his jealousies by not letting to him the Enaum lands (or certain lands which had been elymosinary) and that the objections to his renting the Jaghire lands might be removed by letting them for one year only; and directed the board at Madras to make out a lease for that term, and to represent to the nabob, that in this instance they have postponed their own interest to his desire. And your committee find, that before this letter from the court of directors could have arrived at Madras, that presidency had again written to the court of directors, repeating their objections to the nabob's renting the Jaghire lands; and that in the course of the year 1772 and 1773, the presidency in their several letters continued the like representations, but complied with the directions received from home on the 10th April 1771, as above stated, and with similar directions of the 25th March 1772; and it appeared that the grounds of these several representations were, that the inhabitants undergo continued oppressions, and that the lands, though very capable of cultivation, are not improved; that all the weavers live in the Jaghire lands, and that upon the whole, no benefit is derived from them but the mere rent.

And your committee find, that on the 25th of January 1775, the directors were informed, by letters from Madras, that the Enaum lands had been let to the nabob for one year longer, from the 1st August 1773, and that all possible measures had been taken to prevent injustice and oppression; and also on the 21st September 1776, another letter informed them, that another annual lease had been granted of the Jaghire lands, such had been the mode of leasing, as it appeared to your committee, antecedent to the 12th of April 1775, when the same course was directed to be continued by the orders of that date.

And your committee find, that their orders were attended to in Mr. Whitehill's first government; for on the 5th February 1778, the directors are informed, that the Jaghire lands had been continued to the nabob for the then current year, upon the same terms as formerly; and were also informed, that the conditions required by the court, and other stipulations (conducive to the improvement of the lands) had been attended to; and it appears that the directions of the court were requested, as to the taking the Jaghire lands into their own possession, the instructions of the 12th of April not being sufficiently explicit to authorize that measure.

On the 20th July 1778, your committee find, that Sir Thomas Rumbold, the president, entered a minute relative to the nabob, which your committee have thought proper to state at length in the appendix, in order that the opinion which prevailed in the council with respect to his highness on the 20th July 1778, may be compared with their conduct on the 2d October following; at which time a lease of the Jaghire lands was proposed by the president

president to be given to the nabob for the term of three years, notwithstanding the positive orders of the company that they should not be let for more than one year, as appeared to your committee from the documents above stated; and notwithstanding the practice of the company had always corresponded with those orders, and the propriety of letting them to the nabob on any terms had been questioned by the company's servants, during the course of several years.

Your committee found, That in this minute Sir Thomas Rumbold, the president, represents the nabob as owing very large balances to the company, which no arguments, or sense of the common danger in case of a war, can prevail upon him to pay, even in part, though he has large sums hoarded up at Chepank, and has granted tunkas or securities, on very valuable countries which will not bear inspection; adding, that this complaint against his highness is not the complaint of a day, but that the records are filled with distresses arising from the trifling and dilatory conduct of the nabob whenever money has been demanded of him; and that his love of money has increased with his advanced years:

And your committee further find, That with respect to the Jaghire lands, the president observes, that if his highness would but consent to pay his just debt to the company, and what is due from him on account of the Jaghire lands, which ought to be a constant and never-failing resource to the company, the settlement might support itself for some time.

That the nabob must be roused by determined and spirited measures, his debt at that time being very heavy, viz.

Balance of old debt and account of current charges	754. 981. 31. 29.
Balance on account of the company's Jaghire	147. 170. 25. 70.

Pagodas 900. 052. 25. 70.

That besides this sum, many other articles might be justly charged, that his debt was encreasing at the rate of 40,000 pagodas a month, besides a lack of pagodas, which would be due for the Jaghire lands in September following; and that tunkas ought to be obtained from the nabob to secure those debts.

Your committee also find, That on this occasion the president observed, that the Jaghire lands, a valuable possession of the company, were most shamefully neglected and oppressed, not by the nabob, for he might be ignorant of it, but by his collectors; which your committee found to have been much complained of from the year 1769 down to this period.

The president then appears to have proposed, That advertisements should be published for letting these lands; but that the nabob should be made acquainted with that measure; and that the system of letting from year to year, which the president terms a destructive one, should by all means be avoided, and proposals received for three or five years leases, which might recover that district from its present ruinous situation; and that it was also necessary to appoint a receiver of the rents till an agreement should be concluded: and your committee find, that a letter was ordered to be written to the nabob accordingly.

And your committee find, That on the 28th August 1778, five weeks after the date of this minute, the president reported the nabob's desire that the Jaghire lands might be continued to him on the usual terms, and that he offered

ferred to enter into any articles that might be judged necessary for the improvement of them; and that on the 4th of September he further reported, that he had endeavoured to converse with the nabob upon the subject, but had found his conversation unsatisfactory; and that he had reason to believe that the nabob was actually treating with individuals for mortgaging the revenues of the Jaghire lands before he is assured of renting them; whereupon it was resolved, that they should be advertised to be let for one, three, five or ten years; and on the 11th of September, the nabob requested generally that he might have a lease of these lands for five years, engaging to keep the tanks in repair; but that the consideration of this proposition was deferred till the time within which the proposals were to be received should have expired, the president having proposed that they should be leased to the nabob for three years.

And your committee find, That on the 2d September, proposals from three persons were delivered in, pursuant to the advertisement, for a ten years lease which were as follows:

Antonio de Souza 370,000 Ps. to increase in the five last years to 400,000

Klonaee Panda 313,000 to 320,000

Vankatta Charam 320,000 to 390,000

And that these proposals were ordered to be sent round for the consideration of the members of council.

Your committee further find That the 2d day of October 1778, the president entered a minute upon the records, representing, that the advertisements for letting the Jaghire lands were meant rather to be a means of ascertaining the value of those lands, than of letting them to the highest bidder, which, he informed the board, was, in his opinion, an improper mode to be observed; that this valuable acquisition ought only to be let to a tenant who could furnish indisputable security; that the nabob, who had for several years rented them, was said to have attended sufficiently to the necessary repairs of the tanks, &c. &c. though the inhabitants were oppressed by the collectors, which he imputed to want of attention in the government, to see those terms observed for which they had stipulated.

That the nabob is apprehensive, that his honour would be injured by the advertisements, of which the president still however approves, as shewing that the select committee had been actuated by no other views than what their duty required—That the nabob paid a larger rent than he had collected, and had submitted to this from the credit he derived from his lease, and the supply which it afforded to his family and attendants; and that without the occupation of the Jaghire lands, he would be obliged to remove to Arcot, which would be of great prejudice to the company, though some inconveniences arise from his residence at Madras.—That his residence at Madras suits his inclinations, which at his time of life it would be cruel to thwart.—That the company have always seemed cautious not to distress him, and have never given orders to deprive him of the Jaghire. And that the mode of letting, from year to year, is a most destructive system, as it has always kept the nabob in a state of uncertainty, and made him backward in making repairs, and prevented his being indemnified for the loss he sustains, by paying more than he receives.

And

And your committee find, That the president, after stating that he had taken pains to find out what the country had yielded to the nabob (which he stated at 330,000 pagodas) proposed that he should have a lease for three years instead of five, which he had requested; observing, that this would give the company time to obtain the information necessary for their future guidance in this matter; and that being engaged in a war with France, an annual lease would be impolitic, because so considerable a part of the revenue ought not to be left to the chance of falling in any other hands than the nabob's, in case of troubles arising. That the company in their last dispatches had expressed great friendship for the nabob, and had directed them to conciliate his mind by every means; and that in this present juncture, it would be highly impolitic to sour him. That Mr. De Souza's proposal is the only one made for renting the whole, and being for a ten years lease cannot be accepted, and appears to be with a view to speculate.

Your committee observe upon this last passage of the president's minute, That three persons appear to have given in proposals as abovementioned, and that the objection made to the proposals as being for ten years, is furnished by the advertisement itself, which invited propositions for one, three, five, or ten years.

Your committee further find, That the president concluded his minute by proposing that the nabob should have the lease granted him for the term of three years, at the rent of 324,000 pagodas, stipulating for conditions calculated to protect the inferior people, and make the payments regular and certain.

And your committee also find, That on the 5th of October 1778, the president moved that the minute abovementioned should be taken into consideration; which was accordingly done. And it appears to your committee, that the council concurred unanimously with their president, chiefly upon the grounds of this being a measure which would conciliate the mind of the nabob, and would best accord with the company's wishes respecting that prince expressed in their letters.

Your committee also find, That on the 17th of October, a letter was written to the nabob, acquainting him with the board's having granted him a lease on the conditions above mentioned; of which he accepted by letter, dated the 5th of December 1778.

And it appears to your committee, That the court of directors (having been informed of this transaction, by a revenue letter from Madras, dated the 17th of October 1778) in their answer on the 16th of June 1779, make the following observations upon it; they deem the letting the Jaghire land to the nabob for more than one year improper, referring to the letter of the 12th of April 1775; and say, "We are very sorry you have thought fit to depart from that order, and though the nabob was alarmed at the advertisement, yet we have no doubt he might have been satisfied with a lease for one year, as usual." They then observe, that as he had lately shewn great zeal and attachment, they acquiesced in the present agreement, but that no future lease shall be given for more than one year.

Your committee find, That by a general letter from Madras of the 4th of April 1780, the directors were informed, that the nabob had addressed a letter to the presidency, desiring permission to rent the company's Jaghire for the

the term of twenty years; which it was thought necessary to refer to the consideration of the court; and that on the 31st of May 1781, the directors desired, in their general letter, that his highness might be informed of their good intention towards him, and that they would take an early opportunity of explaining themselves to him on that subject.

And your committee find, That with respect to the several other matters, which have been herein above stated, namely, the transaction with Sitteram Rauze during Mr. Whitehill's first government, and the transactions with Sitteram and his brother Vizeram Rauze in Sir Thomas Rumbold's government, the abolition of the committee of circuit, the calling down of the zemindars to Madras, the manner of the president's negotiating with them in person, the implicit credit given by the council to his reports, the inadequate rents reserved, the non-payment of balances, the want of stipulations on behalf of the under tenants, and the acceptance of Sitteram Rauze the father as surety for his son when adopted by his uncle the rajah; the restoring of the fort of Vizianagum, the whole transaction with Bazalet Jung, and the ten years lease to the nabob, which followed upon it, and the negotiation with the miran of the decan, are highly disapproved of, and severely censured, by the court of directors, in their general letter of the 10th of January 1781; and that by this letter they dismiss from their service Sir Thomas Rumbold, Baronet, president of their council, and governor of Fort St. George, and John Whitehill and Peter Perring, esqrs. members of their council; and express their strongest displeasure at General Munro, for his concurrence in abolishing the committee of circuit, and the countenance given by him to measures which they deem very improper, relative to the letting of the districts; but as they cannot suppose that he was influenced by corrupt motives, as his military conduct had been highly meritorious, and as those subjects were foreign to his profession, they proceed no further than to express their disapprobation.

March 27.

The sheriffs of Coventry were brought to the bar, reprimanded, and discharged.

March 28.

No public business.

March 29.

No public business.

March 30.

Adjourned as there were not 100 members present to proceed to a ballot on an election committee.

March 31.

Adjourned for the same reason.

April

April 2.

Lord M.

Lord *Mahon* called the attention of the House to the consideration of a petition which he had in his hand to bring up from the manufacturers, dealers, and venders of articles in gold. The noble Lord stated the purport of the petition to be to reduce the high and extravagant standard required by the statute of Edward the First, for every article of gold manufactured and made in this country. The standard required that there should be twenty-two carrats of pure gold, and only two carrats of alloy. By this means the trade suffered an injury of no less than forty *per cent.* in a competition with the manufactures of foreign countries, where the standard was less. In Geneva the standard was twenty carrats of gold, and four carrats of alloy. In France it was twenty-one and three carrats of alloy. By this means great superiority was ascertained over the English market, not only on account of the expence being, as he had stated forty *per cent.* in their favour, but also that their standard was in fact more applicable to many or most of the articles, in admitting of a higher polish, and being much more durable than ours. It gave an hardness and elasticity to the gold which ours wanted, and it was in many respects to be preferred, three ounces and an half of their gold went as far as four and an half of our standard gold, and a snuff-box made with the Geneva standard would be more durable, more polished, and more elegant than one made with our gold. The little city of Geneva, by this advantage, was enabled to make more watches in one year, than the two cities of London and Paris did both together. In conversing one day with a tradesman in Geneva on the subject, he observed, that the disadvantage which the English manufacturers laboured under was, that there was too much yellow lead in their articles. His Lordship could not conceive what he meant by yellow lead; he had never heard of such a thing, but he was given to understand, that yellow lead signified gold; and in fact it seems, that without the alloy, the gold is little better than lead for the purposes of manufacture. The noble Lord observed, that it was surely the business of the legislature, at a time like the present, to give every encouragement and assistance that they could to the manufactures of this country, as it was even on the restoration of peace, from the increase and flourishing condition of manufacture, that we were to look for national salvation.—This manufacture was not in the predicament of most others. It was not in a state of rival-
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ship and competition with some others in the country; but it was in competition with all the world. The noble Lord mentioned several cases, in which the lowness of the standard would be of singular advantage, and some in which it would be right to preserve the present standard. It was, therefore, the prayer of the petition to preserve the present standard, and also to have two others appointed, the Geneva and the French standards. He trusted the goldsmiths' company would not oppose the petition; if they did, he must say they were the most absurd set of men in the world; for by the increase of this manufacture, which would naturally ensue from this alteration, their profits on making the articles would also increase in proportion.

Mr. *S. Smith* said, he should certainly oppose the bill in every stage. He was not yet prepared to give the House the necessary information on the matter; but when he had received the advice of the goldsmiths' company, he would oppose it. It was his firm opinion, that the alteration would be productive of great inconveniences in regard to coins, medals, and other articles of the trade.

Lord *Mahon* said, it would, in no instance, affect coins and medals, as a provision would be made to prevent any inconvenience of that sort.

The petition was now read, and referred to a Committee.

Mr. *Duncombe* now rose, and in the absence of Sir George Savile, to bring up the petition from the delegates of the several associated counties. He lamented that the petition should suffer by the absence of the honourable Baronet, who would have given so much respect and energy to the humble and legal requisition of the constituent body of the people; but, at the same time, he rejoiced at the public opportunity which he had of declaring his approbation of the principle and the tendency of that petition, which spoke the sentiments, and expressed the wishes of so many thousands of his own constituents. He declared, at the same time, that the prayer of the petition was altogether consistent with his own wishes and principles. — He thought the reform which was solicited by the people was not only proper, but absolutely necessary to the welfare and existence of our Constitution. He read the title of the petition; it did not state the subscribers to be the delegates of associations, but to be freeholders of different counties, &c. He moved for leave to bring it up.

Mr. *Coke* professed himself to be, as formerly, the firm friend of those constitutional petitions which had come in the

last session from the counties. He had himself signed one of them, and he highly approved of their principle and object. But things had sprung out of those petitions of which he did not approve, because he conceived them to be at once dangerous and unconstitutional; — those were the associations and the congress of delegates. If the present petition was, therefore, from the delegates, he should certainly oppose it. He would admit of no such characters in a legal and constitutional point of view, and he desired to see the sense of the House fully expressed on the occasion, as it was more manly to oppose it in the first instance, than to suffer it to lie on the table, and establish a precedent of a dangerous tendency. He spoke so freely, because he knew all the gentlemen who were the delegates from the different counties, and knew them to be men of the most respectable character, and from whom, personally, no injury to the Constitution could be apprehended. But the establishment of such a body, and the recognizing of them by the acceptance of their petition, he looked upon as exceedingly improper; and for that reason he commended the city of London for having excluded them from the chambers of the city. He had thought it necessary to say so much, in order that the House might know his opinion on the subject; and that if the petition professed itself to be from the delegates, the sense of the House might be declared at once.

Mr. Perceval. Mr. Poynt said, that he had particularly attended to the title of the petition, to learn whether or not it was expressed to be from the delegates. He said, if it had been so, he should, like the honourable gentleman, have opposed the motion for bringing it up, because he did not know, by the constitution, any such characters as delegates, but it was not from the delegates. The petition was from gentlemen stated to be the freeholders of counties, and as such the House could not, in his opinion, reject it.

Mr. Dunning. Mr. Dunning said, there could be no question now, nor no debate about the propriety or impropriety of accepting a petition from men represented to be delegates, because no such petition was offered to the House at this time. When it was, he should be ready to defend the propriety of such a petition, because he conceived there was nothing either illegal or unconstitutional in the character or in the name of a delegate. He wished to provoke no debate on this day; it was merely intended to move for the petition to lie on the table, in order that it should be taken into consideration on a future

a future day. It had been his wish and design to have proposed to refer it to a Committee; and he conceived it was a topic well worth the most serious consideration of the House. But he found that that proposition would have been disputed, and, therefore, he wished to give gentlemen leisure to read the petition, and to consider it, before he should make the motion; and he had reason to believe, that when they read it, and saw the names by which it was signed, the objects to which it went, and the purpose which he aimed to accomplish—they would not then think it proper to refuse the motion of referring it to a Committee. Such a refusal would, in fact, be to say, that there was nothing in the petition deserving the consideration of the House. This, he believed, they would not venture to say. The petition was almost the same, in every respect, as that which had been presented last year, on which the House had come to the resolutions of April 6, and which resolutions, he would conceive, nothing but the dissolution of Parliament had prevented them from carrying into effect.

Mr. Fox said, he did not rise to provoke a debate by saying Mr. Fox. any thing on the subject of the petition to be presented to the House; but he could not sit still and hear it asserted, that it was an illegal or unconstitutional thing to appoint delegates, or that those delegates should petition Parliament. He considered it, on the contrary, not only as a legal, but in the present circumstances and situation of their country, as a laudable measure. By what law, or what act, was it declared to be unconstitutional for the people of this country to appoint delegates to reside in the metropolis, and to watch the conduct of their representatives? And by what law, or what act, was it declared to be unconstitutional for their delegates, so appointed, to apply to Parliament by a loyal, submissive petition? Did they lose the privilege of the freeholder when they assumed the title of the delegate? Or did it, in any degree, change the nature or diminish the consequence of the persons when they adopted that character? Surely not; such a petition would be perfectly constitutional. He found no law nor act to prevent it; but he found it, from every consideration, to be not only a legal but a laudable measure—and if that petition had been declared to be the petition of the delegates, he should have been ready to have signed it in his delegated capacity, and to have defended it in that House as a faithful representative of the people. It had not been signed in that manner, because it might have

been disagreeable to some gentlemen who were otherways friendly to the objects of the petition.

Mr. Coke. Mr. *Coke* said a few words in reply, in which he observed, that he knew, and would admit of no delegates but those which he saw in that House. Yorkshire had two very good delegates, and if they were wise would wish for no more.

The petition was now brought up, read, and ordered to lie on the table.

April 3.

An inquiry was instituted into the cause of an apparent delay in the delivery of the writ for the election of a burgess to serve in Parliament for the borough of Honiton. — Mr. Smith, deputy to Mr. Harwood, messenger to the clerk of the crown, was examined, after which the inquiry was adjourned till after the holydays.

April 4.

No public business.

April 5.

Mr. Wilkes. Mr. *Wilkes* rose to make his annual motion, agreeable to the intimation which he had given. He said, he did not rise to enter into any particular enumeration of the arguments which had from time to time been advanced on this subject; they were not unknown to this House, although this was the first session of a new Parliament. He should always think it his duty to bring on the question, both from the regard which he entertained for the violated privileges of the constituent body of the Commons House of Parliament, and in particular, for those of his own constituents, the freeholders of Middlesex; and he trusted, the House, in the recollection of the trust which had been so recently reposed in their hands by the people, would think themselves bound by their duty and gratitude to shew their abhorrence of that resolution which contained so daring an infringement on their rights and franchises. He had not one new idea to offer on the subject. He believed the House were in possession of every thing which was necessary to their conviction. He particularly adverted to the conduct of the present Speaker on this question in the last Parliament, and paid him high compliments for the manly and independent part which he had taken in reprobating the resolution of the House, and he doubted not, but he would now have the satisfaction of declaring, that the House agreed to the expunging of that resolution unanimously. [The House could not restrain from a loud laugh at this expression.] And

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he observed, as he knew what sincere pleasure he must feel by declaring that circumstance, he would not detain him from the enjoyment, by entering into any argument on the occasion. He therefore desired, that the journals of the 17th of February 1769, containing the resolution of expulsion, might be read by the clerk at the table. And this being done, he begged leave to move,

‘ That the resolution of the House of the 17th of February 1769,’ ‘ That John Wilkes, Esq; having been in this session of Parliament expelled this House, was, and is incapable of being elected a member to serve in this present Parliament, be expunged from the journals of this House, as being subversive of the rights of the whole body of electors of this kingdom.’

Mr. *Byng* rose and said, that in the particular situation in which he stood, he considered it as his immediate duty to second the motion of his honourable colleague. The expulsion had been an attack of the most daring nature on the rights of the county of Middlesex, immediately, as it was on those of all the constituent body of England in its tendency and principle. It was a resolution which had given universal alarm and dissatisfaction; and he declared, that out of that House he did not meet with a person who pretended to approve of it. He sincerely hoped they would then assert their honour as men, and act up to the sentiments which they possessed.

Mr. *Charles Turner* reprehended the spirit of levity which prevailed in that House, to the extinction of all grave and becoming demeanour. The resolution complained of, was no subject of merriment. It had in fact been one of the great causes which had separated this country from America. It had given the colonies just reason to distrust the Parliament of Great Britain. After such a resolution they could no longer consider them as the constituents of the people, but the packed adherents of a profligate ministry. Was not the suspicion but too well founded? Of what was that House composed? One half of them were seated by Peers. There were a few popular boroughs, where the heaviest purse gained the conquest, and they were devoted, in a shameful degree, to the treasury bench. They were no more to be considered as the representatives of the people. He called upon them, with the most anxious concern, to rescue themselves from the imputation of such servitude and vassalage, and in doing
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this they would more effectually invite the Americans to a return of their confidence, than by any other step whatever.

14. Surrey.

Lord *Surrey* warmly recommended the motion, and declared that it was not only the sense of the county of Middlesex, but also of the whole country, that that resolution was highly subversive of their rights and privileges. The House might easily remember what general dissatisfaction was given by that resolution. It not only inspired the suspicion, that that House was devoted to the minister, but also that the resolution was the act of resentment against an individual for having with his pen explained to the people the dangerous and alarming tendency of the system then forming for the overthrow of the empire. This was the general opinion, and it heightened the dissatisfaction, because it was the sentiment of every man who had any regard for the Constitution of this country, and wish to see that gentleman daily employing his pen in detecting and exposing the errors and the vices of the present Administration.

On a division the numbers were : Ayes 61, Noes 116.

In a Committee, went through the bill for laying an additional duty on paper, with amendments.

April 6.

Lord North.

Lord *North*, in pursuance of his notice given some days ago, moved for leave to bring in a bill for the better managing and collecting the tax upon servants. His lordship stated to the House, that a great deficiency had arisen in the produce of this tax, for instead of 100,000*l.* at which it had been computed, not more than half that sum had been the annual collection : yet at the time when he first proposed to tax servants at a guinea a man, he was thought to have calculated too low, in estimating the amount at only 100,000*l.* per annum. Such a disappointment, he was persuaded, could not have resulted, but from great defect in the collection ; and, indeed, it was universally allowed, that the present mode of levying this tax was very imperfect. He, therefore, should submit to the House, that it would be a great improvement to take the collection from the parochial assessors, and give it to the officers of excise, which was the object of the bill now moved for. It was obvious how many advantages would result from this alteration, and how much more likely the tax would be thereby to ensure the design of Parliament ; for the present collectors, in the first place, were not under the control and discretion of the board of taxes ; but the officers of excise were strictly amenable to their commissioners.

missioners. The former had only two or three collectors of window lights, for the purpose of inspection, through an extensive district; but the latter were numerous in every city and town throughout the kingdom. The excisemen, too, had constant opportunities of observing the object of this tax, and checking any imposition, while employed in their common avocations. For these reasons, it was extremely probable that the revenue would be greatly improved by the alteration he recommended, and he saw no objection that could arise to it, except gentlemen were disposed to take alarm at the very name of an exciseman: but he must beg leave to obviate any reasonable apprehension on that ground, by informing them, that no introduction of the excise laws whatever was intended. The officer would have no authority by this bill to enter the House, or make any researches which the present assessors were not empowered to use: in short, his intention was to alter the collectors, and nothing else.— As this tax had not been productive, it surely was incumbent on Parliament to make it so, if possible, and those who had already been fully assessed, would have much reason to be dissatisfied if the sum was increased, because the collection had been unequal: it was, therefore, right to try this experiment in the first place, and if it should not answer his expectation, it would then be early enough to think of making any addition to the tax.

Gentlemen might, perhaps, think that in order to spare the sinking fund, by making the tax productive, he ought to impose some new burden, by doubling, or at least increasing, in some degree, the present tax; but though this might hereafter be found necessary, yet he held it to be more than justice, to those who had fairly paid the tax, to contrive means, and try every expedient to make those pay, who had hitherto evaded the payment of the tax; and until he should have tried those expedients, he thought he could not, without injustice, raise an additional servants' tax, upon those who had already honestly and fairly paid the old one.

He had another alteration to introduce by this bill, which was to make an assessment on the present year, and not on the preceding one, as under the present mode of collection; for as the case now stood, there was always one year's taxes in arrears, and would necessarily be so at the day of judgement, if the tax should continue so long. He intended, therefore, that the excise officers should begin their collection for the year 1781. On this a laugh was raised, from the idea that
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it was proposed to make a double collection for the current year; but his Lordship explained his idea to be, that the assessment for 1780 should be left aside, and a new one take place for this year only.

Sir Edward
Aspley.

Sir *Edward Aspley* said a few words, not in opposition to the noble Lord's motion, which he entirely approved of, but for the purpose of suggesting, that a duty on cider, which was in contemplation some years ago, and laid aside, from a reluctance to admit excisemen into private houses, was nevertheless a very proper, and would still, if adopted, become a very productive tax.

M. T.
Townshend.

Mr. *T. Townshend* differed from his honourable friend in this opinion; for however eligible a tax on cider might be in other respects, its produce would never compensate for the odious introduction of excise officers into private families. With respect to the present motion, he entirely acquiesced in it, and was glad to see the noble Lord proposing to increase the revenue without imposing an additional tax. This was opposite to the general tenor of his conduct, for he had commonly observed, every nominal improvement had turned out in fact to be a new burden on the people.

There was something, however, which dropped from the noble Lord, at which he could not help confessing his disapprobation; his Lordship had talked of this alteration as an experiment, on the failure of which the tax was to be increased; but he hoped nothing of that kind was in contemplation: for though one guinea a servant might be moderate and equitable, two guineas would be an intolerable burden.

Mr. Baker.

Mr. *Baker* begged of the noble Lord to explain, whether the additional five per cent. on excise duties, imposed this year, would be added to the servants' tax by the bill now proposed?

Lord North.

Lord *North* replied, that the five per cent. being imposed only on those duties collected by the Commissioners of excise, before the act by which that addition was made, could not affect a branch of taxation, which should be afterwards given to their management. He then said a few words in answer to Sir Edward Aspley. After which the question was put, and leave given without opposition.

His Lordship then rose again, and said he had a proposition to make in the Committee of ways and means relative to the duties on almanacks, but it would be necessary first to move it in the House, that it might go in the form of an instruction to the Committee. By the laws now in being, these
duties

duties were divided into two branches, those on sheet, and those on book almanacks; and the latter were double the amount of the former, the one being charged only with a duty of two pence, while the other paid four pence each. The idea of the legislature in making this difference was, that book almanacks being more valuable, could afford to pay a higher duty than the other species; but a door had here been opened to evasion and fraud against the revenue, for the sheet were now printed on so large a paper, and made to fold in such a manner as to answer all the purposes of book almanacks, though they paid but half the duty. This practice had been complained of by the booksellers, and was plainly injurious to the public. This appeared by a comparison of the duties paid on sheet and book almanacks in two years. In one year 316,515 sheet almanacks, and 261,060 book almanacks—but in the next year the contrivance of printing sheet almanacks had so far succeeded, that book almanacks had in the very next year fallen 32,003 of the above number. He should therefore propose to provide a remedy against it, by raising the duty on sheet almanacks to the same amount as the other, by which the increase of duty would be about 2,600*l.* a year, on the nearest computation it was possible to make. But his plan went farther than this, and he thought it would be best to open it now fully to the House, though it would be foreign to the question of to-day. The right of printing almanacks was for a long time monopolized by the stationers' company and the two universities, till the latter gave up their privilege to the stationers, on condition of receiving a yearly compensation in money, which was settled at 500 guineas a year for Cambridge, and 550*l.* for Oxford; these annuities were employed by the universities for very noble purposes, and highly beneficial to the public, for they defrayed the expence of printing many valuable works, which would otherwise have been lost in obscurity. But after this agreement had long subsisted, and the monopoly which gave rise to it had been exercised without dispute for more than two hundred years, it was questioned, and after much litigation defeated, by the assiduity of Mr. Carnan, a printer, who supported the right of printing almanacks for himself and the public at large, and obtained a judgment in the court of Common Pleas some years ago against the stationers and the universities, by which their monopoly was declared illegal. He meant in no degree to throw censure on the conduct of Mr. Carnan. His exer-

tions had done him credit. In consequence of this, his Lordship continued, a bill had been brought into Parliament for making that legal, which by the laws then in being was pronounced to be otherwise; and the great injury which would redound to the universities, was the principal ground on which the House was requested to renew the monopoly.—He himself was a friend to that bill, but had the misfortune to find himself in a minority, the House being of opinion that they ought not to authorize monopolies in any case, and feeling beside the great detriment which would redound to Mr. Carnan, by destroying the effect of all his expences, and public-spirited industry. However, it was suggested on that occasion, and understood to be the sense of the House, that some means should be found to compensate the universities for the loss of their annual incomes.—Having stated these particulars, his Lordship said that he thought no provision could be made with so much propriety for reimbursing the two universities from any other fund, as from that increase of revenue which was now in contemplation, by raising the duty on almanacks; and he should therefore propose, in the committee of supply on Monday next, to charge the produce of this new tax with 500l. a year for the university of Oxford, and the same sum for that of Cambridge.

Sir Edward
Aspley.

Sir *E. Aspley* suggested a fear, that a charge might be made by this spirit of liberality, which the whole amount of the duties might not be sufficient to answer, as great numbers of almanacks might now be on hand.

Mr. Strahan.

Mr. *Strahan* rose to inform the honourable gentleman, that an almanack only serves for one year, and there was no reason to apprehend that the additional duty would injure the trade; and Lord North satisfied him, that no other fund would be charged with the proposed annuities, should this not prove responsible.

Mr. Byng.

Mr. *Byng* declared he would give his opposition to the noble Lord in this mark of his private and local generosity, for he thought the country was not in a situation to afford it. It was a job, and of the same nature with those favours which the noble Lord so profusely bestowed, at the public expence, in order to strengthen his own interest. He also professed his disapprobation of the proposed duty.

The Solicitor
General.

The *Solicitor General* (Mr. Mansfield) felt himself called upon in gratitude to the learned body who had conferred upon him the distinguished honour of making him their representative, to support the noble Lord's proposition; but had he no peculiar motive to actuate him on this occasion, still, as a public

public man, and a member of that House, he should heartily concur in a measure, which he conceived was essential to the honour and interest of the nation. The proposed grant could not be deemed a private one; for nothing could be more eminently a public interest than the prosperity of the two universities: surely it was needless to support that truth among so many gentlemen who owed their education to those famous seminaries, of which their country experienced the happy effect. He then entered into the subject of the monopoly; and though he admitted the legality of the decision by which it was destroyed, contended the universities sustained thereby a considerable hardship.

The Honourable *John Townshend* also pleaded the cause of the universities with infinite spirit and address. The honour of the empire, he said, was connected with its literary character, and in a great degree dependent upon it. Surely it would never be said, that the liberality of Parliament towards the two universities would ever be considered as a job, nor ranked among the favours of the Minister, distributed for the purposes of influence and corruption. It was not often that he could have the pleasure of supporting the measures of Government, but when he could do it with the confidence that their measures were right, he would find infinitely more satisfaction in supporting than in opposing them. This was one of the few motions in which he not only thought the Minister was right, but also laudable; and it was certainly among the first duties of the Legislature to cultivate the respect and the glory of letters, by the honourable patronage which they bestowed on the two universities. It would be a miserable situation, equally disadvantageous and disgraceful to the country, if there was not a press in the kingdom at which a man of genius and learning could trust any performance beyond a play or a novel.

Earl of *Surrey* said, he did not rise to oppose the motion from any disrespect to the two universities, for which bodies of men he had the greatest veneration. He was very willing that they should receive the sum proposed for them by the noble Lord, but he thought it should come from another fund than a tax on almanacks. Almanack-makers, his Lordship observed, were a very useful set of men. Therefore, let the sum to be raised for the universities be levied on the holders of sinecures, some of which have three thousand a year.

Sir *William Dolben* mentioned the particular obligations he was under to one of the universities, and spoke of the advantage

The Hon.
J. Town-
shend.

Earl of
Surrey.

Sir William
Dolben.

tage of the university presses, in which some works had come out, and in which some others, he understood, would soon come out, that would do honour to the nation.

Mr. Byng. Mr. Byng said, that he conceived it to be too humiliating to the dignity of the two universities, to solicit a two-penny tax on almanacks. The King had a great revenue granted him for one express purpose, which was, according to Lord Somerset, that of rewarding merit. Let the civil list, then, supply the thousand pounds to the universities. Ten thousand pounds in the new loan was equal to a thousand pounds a year; and that, according to the noble Lord in the blue ribband, was the least that can be given to a member of Parliament. It was below the two universities to solicit a sum not greater than that which is given to one member of Parliament.

Sir W. Dollen. Sir W. Dollen said, that he was surprised to hear the honourable gentleman, who was so zealous an enemy to the excess of influence of the Crown, contending for increasing it, by yielding to that branch of the Legislature the honour and advantage of patronizing and gaining an influence in the universities.

Ld. North. Lord North, in answer to what had fallen from different speakers, said, that no favour whatever had been shewn in the collection of taxes by Government to any part of the kingdom; and he heartily wished that the taxes might be fairly and fully collected throughout the whole. As to granting the thousand pounds out of the civil list, the King paid already every *regius* professor in all the universities, in both England and Scotland; and thus the Crown had already been a liberal patron of the muses. With regard to Mr. Byng's argument against the motion, taken from the smallness of the sum to be raised by the tax proposed, he could not deny the truth of his premises, though he could not draw the same conclusion. At any rate, he hoped, that if it should be reckoned a good argument, against the imposition of a tax, that it was very small, it would be a good argument, from parity of reasoning, for the laying on of a tax that was a heavy one: a kind of reasoning which he might find it very inconvenient on many occasions to adopt.

His Lordship proceeded to jest with Mr. Byng concerning the smallness of the sum of a thousand pounds, which, he said, he understood the honourable gentleman thought too little to be given to a member of Parliament.

Mr.

Mr. Byng replied to Sir W. Dolben and lord North.
The motion was then agreed to.

April 9.

The report from the committee of ways and means respecting the additional duty on sheet almanacks was brought up by Mr. Ord, and gave rise to a short conversation, in which Mr. Byng opposed the tax, because it was repugnant to the general principle of taxation, according to which, no duty ought to be laid on the nation but for public good: in the present case, the tax to be laid was for a private end; and though the sum to be raised by it was inconsiderable, and destined to a use against which he had no objection; yet he was determined to oppose, in the very outset, the introduction of a system or mode of imposing taxes, which militated against the established rules and spirit of parliamentary grants. There was still another objection to the tax. The noble Lord who had moved it was, he believed, erroneous in respect to his calculations: for though the noble Lord had been pleased to say on Friday last, that the sale of book almanacks had fallen short by 32,000 of the number sold annually, previous to the dissolution of the monopoly, yet he was of opinion, that the dissolution of the monopoly was by no means the cause of the decrease; and that the sale of sheet almanacks had not increased in proportion as that of book almanacks had decreased; for he was authorised by Mr. Carnan, who was supposed to have profited most by the extinction of the monopoly, to say, that he did not sell more than two thousand sheet almanacks annually, since the monopoly had been overturned.

Sir William Dolben insisted, in opposition to Mr. Byng, that the tax was really for public as well as private purposes: that many learned productions, highly beneficial to the public, and to mankind in general, had been printed and published at the expence of the universities; and the learned bodies had carried their zeal for the propagation of the light of literature and morality so far beyond the line of their revenues, that if they had not been assisted by private benevolence, they would have found themselves in a very disagreeable predicament indeed. Hence he concluded, that as the tax was for a purpose from which the public must ultimately derive advantage, he contended, that to carry it into a law was by no means repugnant to the general principle laid down by the House for its guide in taxation.

Another

Another member, whose name we could not learn, asserting, that the public derived advantages from the publications of learned works, under the direction of the universities, proved his assertion by this remark; that the price of books was by those means kept lower than it otherwise would be, and that bibles were now cheaper than they had been fifty years ago. This assertion produced a loud laugh; by which the House seemed to express an opinion that this could be accounted for otherwise, than by ascribing it to the presses of the universities; as if piety and devotion were become luke-warm, and that as the demand for bibles was no longer as great as it used to be, so the price of course might very naturally have fallen.

Mr. J.
Townshend

Mr. J. *Townshend* said, that an act of munificence from Parliament to the universities, of enabling them to bring out new publications, ought not to be considered in the light of a private grant; it was undoubtedly of a public nature, because it was for the public good. The sum which the universities were to derive from the tax in question was equally moderate and reasonable; and consequently he held it his duty to forward the measure as far as in him lay.

The report was at last agreed to without a division.

Id. North.

The House then resolved itself into a committee of supply; in which Lord *North* moved, for 1000*l. per annum*, to be distributed in equal parts between the two universities.

Sir Edward
Aftley.

Sir *Edward Aftley* hoped that the grant now moved for might be made chargeable on the produce of the additional duty on almanacks, and on that produce alone; so that if the new tax should not produce the sum that the noble Lord expected from it, the annuity should not be charged upon any other fund; but should immediately cease and determine.

Lord North.

Lord *North* said, that this was exactly his intention. The new tax, however, was to be considered as a public regulation of the revenue, as well as a mode of raising an annuity for the universities: for, notwithstanding what had been said by an honourable member, the decrease of sale in the book almanacks had been occasioned by nothing else but the evasion of the duty on sheet almanacks, which he had explained on Friday; if the new tax should take away all possibility of evasion, the public would certainly derive advantage from it; and no harm, but much good, would follow from granting a share in the advantage to the universities.

The motion passed; as also a second, by which it was resolved, that the above annuity of 1000*l. per annum* be charged on the fund arising from the additional duty on almanacks.

The

The House was then resumed : and immediately Lord North rose to make a motion relative to the East-India Company. It was not his intention, he said, to move any specific proposition before the holidays, or to go into a debate on the important business that the regulation of the company's affairs would open to the view of Parliament. However, he thought it would be proper for him to say something this day on the subject, that gentlemen might see upon what grounds it would be necessary to proceed. For this purpose, it would be requisite for him to go back to the year 1767. In that year an agreement had been made with the company, by which they were bound to pay to Government 400,000*l.* *per annum* for two years, in consideration of a farther enjoyment of the revenue arising from the territorial acquisitions in India. This agreement he confessed was faulty, and hard upon the company, for it bound them to pay the stipulated sum, under every possible situation of affairs; even though they should be obliged by war, or any loss flowing from some other cause, to lower their dividends for that purpose. In 1769 another agreement took place, by which the company was bound to pay the annuity of 400,000*l.* for six years : but this second agreement was not liable to the objection that might have been made to the former ; for the directors of the company were empowered to regulate the payment of this annuity by the dividends they should make, or rather by the success of their commerce, or the losses they should sustain ; so that the annuity should so far fluctuate with the company's affairs that if their profits should be under the standard according to which the annuity had been regulated, then the annuity should be proportionably under 400,000*l.* a year ; but if the state of affairs should enable the company to make a dividend of eight *per cent.* and still leave a surplus in their treasury, then the neat profits over and above the dividend of eight *per cent.* and all the expences of the company were to be divided between them and Government, at the rate of three fourths to the latter, and the remaining one fourth to the former. The completion of this agreement, which was to have lasted from 1769 to 1775, was prevented by the calamity that befel the company in 1772. Gentlemen might remember that the drafts on the company, in that year, were so great, that they could by no means satisfy them : in this almost bankrupt state ; for bankrupt he might call it, when the demands on the company were greater than their resources to satisfy them, it was impossible for the directors to fulfil their agreement : Parliament at this seasonable moment interfered, and by a friendly indulgence as well as by certain regulations, raised

raised them from the brink of ruin, to that opulent, flourishing condition in which the company now stands. Parliament granted them a loan of 1,500,000*l.* by which they were enabled to discharge all the claims that were then made upon them: the conditions of this loan were, that until the 1,500,000*l.* should be repaid, the dividends should not exceed six *per cent.* and that till their bond debts should be reduced 1,500,000*l.* the dividends should not be more than seven *per cent.* but if the success of their affairs should enable them to make a dividend of eight *per cent.* after the extinction of the loan debt, and the reduction of the bond debt to 1,500,000*l.* then the old agreement was to be resorted to; in consequence of which all the neat profits over and above the dividend and expences of the company, were to be divided in the proportion already mentioned, of three fourths to Government, and one fourth to the company. That æra had since arrived; for the company had since divided eight *per cent.* but the neat profit exceeding that dividend had not been divided with government, who consequently had a demand upon the company for whatever sum three fourths of the neat profits have produced.

This was the situation of the company and the public, when offers had been made by the former to Government for a renewal of their charter: these offers had not appeared to him sufficiently advantageous to the public, who, in his opinion, were justly entitled to a participation of those profits and advantages, which the company now enjoy through the generous assistance of Parliament. It was now the business of Parliament to interfere, since the company had not thought proper to renew their applications, or make better offers for the public. It would be for Parliament to pronounce whether it would be proper for the crown to take the territorial revenues and acquisitions into their own hands, or leave them to the management of a company. It was also for them to consider if it was proper to throw the trade to India entirely open, or grant the monopoly of it to another company. He did not mean to bring before the House, on this day, the question of property in the territorial acquisitions and revenue; for his own part, it was a fixed maxim, that whatever territorial acquisitions are made by subjects of this state, must necessarily belong to the public; and consequently he was as clear as he was of any thing whatever, that the territorial possessions in India are the undoubted right and property of the Crown and the people. This was a question which had been disputed by the company, though the grants made to them were founded on that right most clearly expressed; and the annuities stipulated to be paid to Government, were the price of the suspension or waving.

waving that right, for the terms agreed upon in the different agreements made with the Company : this had surprised him greatly ; and nothing could heighten his surprise, but to hear that they should deny the just claim that Government had to an annual participation in the profits exceeding a dividend of eight per cent.

But it might be said, that the commercial profits alone without the territorial revenues were equal to a dividend of eight per cent. and consequently, that the Company ought to be entitled to such a dividend, without being liable to have it lessened, to procure greater emoluments to Government, on the supposition that the territorial revenues, and not the profits of commerce alone, enabled the Company to divide eight per cent. ; this objection might be founded on the Report of a select Committee, by which it appeared, that on a medium of forty-seven years, from 1708 to 1755, before the territorial acquisitions had been made, the Company had divided annually eight per cent. ; this objection, though seemingly very plausible, was not unanswerable: the Committee, who admitted the dividend, did not say, that the situation or posture of the Company's affairs during the forty-seven years alluded to justified so large a dividend ; and the consequence that attended it manifestly proved that it was highly unjustifiable : for when Government reduced the interests on the debt it owed to the Company one-half per cent. the Directors reduced this dividend from eight to six per cent. which clearly proves, that the debts accumulated in consequence of former large dividends were very great indeed : and yet, no sooner had the Company acquired their territorial possessions, and been enabled, by the loan of 1,500,000*l.* to avail themselves of the benefits that in time they knew they must derive from them, that they not only repaid the 1,500,000*l.* and reduced their bond debt to 1,500,000*l.* but also raised their dividends from six, to which they had fallen, to eight per cent. hence it was clear, that the mere trade of India could never enable the Company, without the territorial acquisitions, to make a dividend of eight per cent.

His Lordship farther observed, that though he did not then intend to state any specific proposition relative to the future management of the Company's affairs, still he held it to be his duty to state to the House some points, that would be very proper for them to consider, before they should proceed to vote any question. First, the propriety of making the Company account with the public for the three fourths of all the net profits above eight per cent. Next, the propriety of granting a renewal of the charter for an exclusive

trade for a short, rather than for long term. Thirdly, of giving a greater degree of power than had hitherto been enjoyed, to the Governor of Bengal; and that he might be in future something more than the other members of the Council, a mere *primus inter pares*. For his part, he was an enemy to absolute power; but if the genius and habits, and religious prejudices of India were inconsistent with a free government, then necessity would justify Parliament with a degree of absolute power, to be exercised by him with moderation and discretion. Fourthly, he would suggest the propriety of establishing a tribunal at home here, for judging of India affairs only, and punishing those servants of the Company who should be convicted of having abused their power. If gentleman should object to this tribunal, that it would be wrong to have a man tried in a manner different from that in which the rest of his fellow subjects were tried, he would, in reply to this objection, observe, that there was no compulsion for any man to go out to India; the act was voluntary, and consequently an implicit submission to the authority and competency of such a tribunal must necessarily be implied from the very act of going out; and a person who should be liable to be tried by such a tribunal would have no more cause to complain, than an officer who is tried by a court martial—a court, which has jurisdiction only over military men, except in cases when martial law prevails. Fifthly, gentlemen should determine whether it would not be proper that, as by agreement, all the dispatches received from India by the Directors of the Company must be communicated to His Majesty's Secretary of State, so all dispatches to India should be shewn to him before they are sent out. To throw some light upon this subject, gentlemen should recollect the great concerns which the Public have in India affairs: the interests of the Company and Government were the same; and as the latter must necessarily support the former in cases of danger, so it was certainly proper that Government should see all dispatches, lest the Directors might at some time or other precipitate this kingdom into a war without necessity, with the Princes of that country. Sixthly, it would be the business of the House to determine upon what terms, and whether with or without the territorial revenues, the charter should be renewed. Seventhly, whether if Government should retain the territories, it might not compel the Company to bring home the revenue for Government. And eighthly, whether any, and what regulations ought to be made with respect to the supreme court of
judicature.

judicature. In the whole of the business two objects were to be principally attended to, the benefit of this country, and the happiness of the people of India, whose prejudices and long habits certainly deserved consideration and indulgence.

With respect to the renewal of the charter, he recollected one part of the offer made to government, which involved no inconsiderable ambiguity; it was this; the company demanded a full enjoyment of all their charter rights; he did not exactly know what might be meant by charter rights; in his opinion it meant no more than this; an exclusive trade for the term of their charter; but if it was understood by the words charter rights (and he believed the company wished so to understand them) an enjoyment of the exclusive right of superintending the whole of India affairs without any controul from government during the continuation of the charter, then he would give it as his opinion, that Parliament ought not, even for a day, to part with this superintending power: the reason was obvious; the interests of this country were intimately connected with India, and any mismanagement there might be to the last degree dangerous to Great Britain. It was consequently the duty of Parliament, never to renounce a controuling, superintending power over India. His Lordship now concluded a long speech with the following motion: "That this House will, on Wednesday the 25th of April, resolve itself into a committee of the whole House, to consider of India affairs; and to consider of the propriety of the crown taking into its own hands the territorial acquisitions of the East-India Company, and securing to the public a share in the revenues arising therefrom."

General *Richard Smith* rose to reply to the noble Lord, that gentlemen might not go away with the impression that the manner in which his Lordship had stated some things might make upon them. The claim of the three-fourths of the net profits was perfectly new, and so unjust, that he had not a doubt but the impartiality of Parliament would protect the company against so unwarrantable an assumption.

The *Secretary at War* (Mr. *Jenkinson*) rose to request gentlemen would not then debate the business of the company, but wait for the 25th, when the noble Lord would state his propositions.

Mr. *Gregory* expressed a willingness to support the noble Lord in whatever measure should appear to him to have for its object the mutual interests of the public and the company.

Mr. Burke. *Mr. Burke* rose, he said, for the purpose of stopping the debate; and yet he could not help saying, that the noble Lord had in the course of his speech advanced several things to which he could not subscribe. The claim, he believed was unfounded :---and he warned the noble Lord against beginning by an act of violence a business which would require all the moderation as well as all the wisdom of the legislature finally to adjust. He concluded by pledging himself, and his worthy friend who had preceded him, and those in opposition with whom he had conversed on the subject, to support the noble Lord in every thing that should appear to them conducive to the joint interest of the company, and the kingdom.

Mr. Gregory. *Mr. Gregory* rose again; and with warmth observed, that as no man was more ready to support the noble Lord, in every thing reasonable than he was, yet he requested the honourable member would only pledge himself, and nobody else, for the support of the measures that might be proposed: he said he stood connected with no party, nor with the honourable member who had spoken last; he would give his opinion freely, and his support where he thought it due; but still regardless of the promises of others, he being as independent in his principles, and his seat, as any man in the House.

Mr. Burke. *Mr. Burke* declared that he had meant no insinuation derogatory to his independence; and observed that as the honourable gentleman thought proper to renounce any connection with him, he was very welcome to do it.

The question was then put on Lord North's motion; which was carried unanimously.

General Smith. General *Smith*, in order to convince the House that the company were not in a state of bankruptcy, when Government advanced them 1,500,000*l.* moved that there might be laid before the House, an account of all the assets of the East-India Company in February, 1772.—The motion passed, and the House adjourned.

April 10.

The report was made from the committee to whom the Goldsmiths' petition had been referred; and an order was made that it should lie upon the table.

Lord Mahon. Lord *Mahon* said, that it was then too soon to enter into the merits of the case, which would be much more properly discussed, when the bill, grounded upon the report, should be brought into the House. However, in order to convince gentlemen that the subject was of great importance, he could not

not but state to the House one article contained in the report from the Committee. It was this—That from the difference in the standard of Geneva from that of London, three ounces, containing eighteen carats of fine gold, go as far in manufacturing at Geneva, as four ounces, containing twenty-two carats, fine, in London; and sometimes three ounces of the Geneva standard had been known to go as far as four and a quarter of the London standard. The difference was very considerable; for three ounces of Geneva standard gold, at three pounds six shillings and nine pence per ounce, was worth ten pounds and three pence, while four ounces of British gold of twenty-two carats fine, to which three ounces of Geneva at eighteen were equal for all the purposes of manufactures, amount at four pounds one shilling and seven pence per ounce, to sixteen pounds six shillings and four pence, and as three ounces of Geneva gold might go as far as four ounces and a quarter of British, the difference then would be exactly seven pounds six shillings and five pence three farthings, in the value of the gold contained in any two pieces of manufacture, made the one of Geneva, the other of the London standard gold: in this difference gentlemen saw, that the difference of the value of labour was by no means included; so that it must strike every member, that the British manufacturer in gold can never get a sale for his wares at any market, where gold manufactures from Geneva can be had; as the Geneva manufacturer must necessarily be able to undersell us, as well from the difference of the value of gold, as from the cheapness of labour at Geneva. His Lordship, therefore, requested, that gentlemen would not lose sight of these circumstances: and when they should have maturely considered them, he had not a doubt but they would think with him, that the British standard might be altered.

April 11.

Mr. *Dempster* moved, "That this House do on to-morrow Mr. Dempster. fortnight, the 26th instant, resolve itself into a Committee of the whole House, to consider of the state of the linen manufactures of Great Britain." The honourable gentleman stated his reason for this motion to be the superiority that was given to the Irish manufactures of this article over the British, which, now that the restrictions on their trade had been abolished, he considered as unjust and injurious to this country. The indulgence in favour of the Irish linen manufacture had been given by a compact, in lieu of another manufacture. By the extension of trade bestowed by the late act, the Irish were relieved from all the disadvantages for

for which the linen trade had been granted; and, therefore, it was but fair and reasonable to give to the linen manufactures of this country equal advantages with Ireland.

The motion was agreed to.

In a Committee of ways and means came to the following resolutions:

Resolved, That towards raising the supply granted to His Majesty, there be issued and applied the sum of 757,087l. 17s. 10d. remaining in the receipt of the Exchequer on the 5th day of April, 1781, for the disposition of Parliament of the monies which had then arisen, of the surplusses, excesses, overplus monies, and other revenues, composing the fund, commonly called the sinking fund.

Resolved, That towards raising the supply granted to His Majesty, there be issued and applied the sum of 23,708l. 11s. 10½d. remaining in the receipt of the Exchequer, on the 5th day of April, 1781, of the two-sevenths excise granted by an act of Parliament of the 5th and 6th years of the reign of their late Majesties, King William and Queen Mary, after satisfying the several charges and incumbrances thereupon for the half year then ended.

Resolved, That towards raising the supply granted to His Majesty, there be issued and applied the sum of 40,000l. remaining in the receipt of the Exchequer on the 5th day of April, 1781, of the duties on wines granted by an act of the 18th year of the reign of His late Majesty for paying annuities on single lives, pursuant to the said act, after reserving sufficient to satisfy the several annuities to the 5th day of January, 1781.

Resolved, That towards raising the supply granted to His Majesty, there be issued and applied the sum of 56,000l. remaining in the receipt of the Exchequer on the 5th day of April, 1781, of the duties on glass for paying annuities on lives, granted by an act of the 19th year of the reign of His late Majesty, after reserving sufficient to satisfy the several annuities to the 5th day of January, 1781.

Resolved, That so much of an act made in the 6th year of the reign of His present Majesty, intituled, "An act for opening and establishing certain ports in the islands of Jamaica and Dominica, for the more free importation of certain goods and merchandizes, for granting certain duties to defray the expences of opening, maintaining, securing, and improving such ports, for ascertaining the duties to be paid upon the importation of goods from the said island of Dominica into this kingdom, and for securing the duties upon goods imported from

from the said island into any other British colony," as relates to the opening and establishing certain free ports in the island of Jamaica, which was to continue in force until the 1st day of November, 1773, and from thence to the end of the then next session of Parliament; and which, by another act made in the 14th year of His present Majesty's reign, was continued until the 1st day of November, 1780, and from thence to the end of the then next session of Parliament, is near expiring, and fit to be continued.

Resolved, That so much of an act made in the 7th year of the reign of His present Majesty, as relates to allowing the free importation of sago, powder, and vermicelli into this kingdom from His Majesty's colonies in North America for a limited time, which was to continue in force until the first day of December, 1781, is near expiring, and fit to be continued.

Resolved, That so much of an act made in the 9th year of the reign of His present Majesty, as relates to the free importation of certain raw hides and skins from Ireland and the British plantations in America, which was to continue in force for five years from the 1st day of June, 1769, and from thence to the end of the then session of Parliament, and which, by another act made in the 14th year of the reign of His present Majesty, was continued from the expiration thereof for the farther term of five years, and from thence to the end of the then session of Parliament, is nearly expiring, and fit to be continued.

Resolved, That so much of an act made in the 19th year of the reign of His present Majesty as relates to allowing a drawback of the duties on rum shipped as stores to be consumed on board merchant ships on their voyages, which was to be in force for two years from the 1st day of April, 1779, is expired, and fit to be revived and continued.

Resolved, That an act made in the 20th year of the reign of His present Majesty, intituled, "An act for allowing a bounty on the importation of British corn and grain in ships the property of persons of any kingdom or state in amity with his Majesty," which was to be in force until the 25th day of March, 1781, is expired, and fit to be revived and continued.

Ordered, That it be an instruction to the gentlemen who are appointed to prepare and bring in a bill pursuant to the fourth, seventh, and eight resolutions, which upon Tuesday last were reported from the Committee who were appointed to inquire what laws are expired or near expiring, and to report their opinion from time to time to the House, which of them are fit to be received or continued, and were then agreed to by the House,

House, and that they do make provision in the said bill, pursuant to the five last of the said resolutions now agreed to by the House.

Resolved, That the sum of 1,900,000*l.* be granted to His Majesty, for paying off and discharging the Exchequer bills made out by virtue of an act passed in the last session of Parliament, intituled, "An act for raising a farther sum of money by loans or Exchequer bills for the service of the year 1780," and charged upon the first aids to be granted in this session of Parliament.

Resolved, That a sum, not exceeding 855*l.* 8*s.* 8½*d.* be granted to His Majesty to make good the deficiency of the grants for the service of the year 1780.

Resolved, That the time allowed by law for the exportation of, or the payment of the duties upon, bugles, when warehoused, upon importation into this kingdom, be enlarged.

Resolved, That goods, the product or manufacture of certain places within the Levant or Mediterranean seas, be permitted to be imported into Great Britain or Ireland, in British or foreign vessels, from any place whatsoever for a time to be limited.

Resolved, That a duty of one penny farthing per pound weight to be imposed upon all cotton and cotton wool imported into this kingdom in foreign ships or vessels for a time to be limited.

Resolved, That the said duty be liable to the additional impost, or duty of five pounds per cent. laid by an act of the 19th year of His present Majesty's reign.

April 12.

No business. Adjourned to the 24th instant.

April 24.

No public business.

April 25.

Mr. Turner.

Mr. *Turner* called on Lord North to know what was become of the money granted by Parliament for growing flax and hemp; as the land in the part of the country he lived in was very proper for such cultivation, but he could not learn that a single shilling had been advanced for that purpose.

Lord North.

Lord *North*, in reply, said, no application had been made from any person in England to receive it; and he supposed the reason was, that they could make a better use of their land. Scotland was allowed a part of the parliamentary grant; application had been made for it, and it had been paid. There now remained in the Exchequer 44,000*l.* not applied for, and

and he had intended (if it had not been mentioned by M. T.) to have taken the sense of the House to have it applied to the public service.

April 26.

Lord North brought in "A bill for granting to His Majesty an additional duty on almanacks, printed on one side of any one sheet or piece of paper, and for allowing a certain annual sum out of the said duty to each of the universities of Oxford and Cambridge, in lieu of the money heretofore paid to the said universities by the company of stationers of the city of London, for the privilege of printing almanacks." Lord North.

Mr. Charles Turner said, he had opposed the principle of the bill, when it was first proposed in the Committee of the whole House; and he was determined to persevere in what he thought the conscientious discharge of his duty, let the success of his endeavours be what it might. The whole idea of the bill just brought in was erroneous: he submitted it, therefore, to all who heard him, whether it was decent or becoming in a British House of Commons to countenance a bill built upon a falsehood. As a private individual, the noble Lord in the blue ribband had ever been regarded, and indeed was perfectly known to be a man of as strict honour as any other individual living; but as a member of Parliament, he was not bound to believe what fell from the noble Lord in that House in the character of Minister; and when he said this, he considered himself to be speaking in a true constitutional manner, and as a gentleman: if he was not, he was ready to confess he knew nothing of the constitution, nor of the proper behaviour of a gentleman. Having this opinion, he scrupled not to repeat, that the principle of the bill was founded in a fallacy; for what had the noble Lord told the House, but that those two great seminaries, of which they had heard so much lately, deserved every possible encouragement, for that their welfare and prosperity were of the utmost importance to the public? He did not believe a title of this assertion. On the contrary, he verily believed that the two universities were a public evil, and not a public benefit. At those seminaries it was that the seeds of mischief were sown and took root; which, when ripened to maturity, were sure to spring up and spread and blossom in that House. [A loud laugh] Gentlemen might laugh, but he always spoke his mind; and he always would call trees by the names of the fruits they produced; if a crab was grafted on a peach, the proper name of the fruit of the tree was a crab, and not a peach. He had himself had the honour (as it was called) of being educated at one of the two seminaries he was speaking of, and had been

Mr Charles
Turner.

under the tuition of two as learned and as able men as ever lived. One of them had taken uncommon pains to make him master of the principles of civil law. He thanked God he had got all that he had learned of the civil law by that time pretty well out of his head. [Another laugh] He rejoiced at it; he was sure, that if he had not laboured to forget what he had learnt respecting the civil law, he should not be half so good a member of Parliament as he was; and when he said this, he did not mean to arrogate any great credit to himself. He knew he had no other merit than that of endeavouring to do his duty, and in that he would persevere to the best of his judgement. But if gentlemen recollected the unconstitutional doctrines sometimes held in that House, by the professors of civil law, they must, if they spoke their minds, join with him in opinion, that it was a blessing to be ignorant of all that related to civil law. It was from that baneful source that there flowed so much servile attachment to prerogative, and such blind obedience to power in preference to Constitution. It was from this school that the Crown received its advocates against the people; and from thence it was that all their nice and ridiculous arguments were derived, which were brought forward in Parliament, to confound and defeat the upwright exertions of plain sense in favour of human freedom. With regard to the present bill, it was not only founded on falsity, but it was an instrument of oppression. It was brought in with a design to run down and harass an individual, who had broken through an illegal monopoly, and deserved public thanks, and public support, instead of public persecution. Mr. Carnan had acted in a manner which claimed reward rather than punishment. He had, at a great expence to himself, opened the right of printing almanacks to the public at large, for which the Minister had turned his prosecutor. He was perfectly aware that the noble Lord, as Chancellor of the university of Oxford, was under a degree of bias. It was natural for men to wish to make some return to those from whom they derived a degree of rank and consequence in the world. He was ready to make a proper allowance for this, which he considered as a laudable partiality; but still it was no justification for harassing and oppressing an individual. The Minister had before attempted to bring in a bill for the re-establishing the monopoly, which the House had resisted, and resisted with firmness, and he hoped they would do the same now, and he for his part should oppose the bill.

Lord North. Lord North, in reply, said, when the honourable gentleman began his speech, and brought forward a charge against him

him of having stated a falsity to the House, he was somewhat alarmed; but the honourable gentleman, in the progress of what he said, had made him tolerably easy, in declaring, that it was not a falsity in point of fact, but a falsity in point of opinion, with which he meant to charge him. The honourable gentleman had certainly opened his accusation in as polite a manner, and with as little offence, as such an accusation could possibly be urged; but at first, he was ready to confess he felt himself a little uneasy, because he was satisfied, that he never had presumed to call the attention of the House to any matter, either of great or little importance, which was not strictly true, as far as his information went. His uneasiness was now removed; and as the falsity of opinion on which the honourable gentleman rested, was declared to be his assertion, that the welfare and prosperity of the two universities were of great importance to the public, he made no scruple to repeat the assertion, and to confess that he differed totally from the honourable gentleman on that head. The only argument used by the honourable gentleman in support of his opinion, that the two learned seminaries were a public evil, and not a public benefit, was, that they taught the civil law, and that a knowledge of civil law was of the most mischievous consequence within those walls. In answer to this, he would venture to congratulate the honourable gentleman on the little ground that there was for his fears; because he believed it would be allowed, that few gentlemen retained any great share of the civil law which they learned at the universities. He was sure not enough of it to taint or to affect their political principles: For his own part, he had now but little of it left; and if he had justly conceived the honourable gentleman, he had felicitated himself on having almost wholly forgot all that he had learnt at college upon that subject; here then they joined issue, and were perfectly agreed. With regard to Mr. Carnan, he was a little surprised to hear that the Minister had prosecuted him; that the Minister was a friend to illegal monopolies, and meant to discountenance and punish all who successfully endeavoured to abolish them. The fact was very much otherwise: Mr. Carnan had, at his own risque, challenged the legality of a charter under the authority of which the stationers' company had for near 200 years, without the smallest interruption, been the printers and venders of almanacks in right of the two universities, upon an annual sum paid to Oxford and Cambridge. The matter went to trial in the fairest and most regular manner. The decision was in favour of Mr. Carnan, and he had ever since exercised the right of printing almanacks in common with the com-

pany. But the whole of the contest was a matter that merely lay between Mr. Carnan and the company : Administration took no part in it, nor had they to that hour interfered either one way or the other : nor had Mr. Carnan any right to complain ; he had not been led from court to court, nor harrassed in any manner whatever. The present bill was ordered in, after two separate debates on the subject, and upon a decided majority on two divisions. The ground of the bill was to prevent frauds that had been practised, equally to the prejudice of the stationers' company and the revenue of the kingdom, and as a considerable sum was expected to be raised by the additional duty, the House had adjudged it right to apply a part of that sum to make good to the universities the annuities which they had lost in consequence of the legal decision respecting the right of printing almanacks. In all this business there was, he conceived, no censure due to Administration. The bill was the bill of the House, and as such, he did not doubt but it would pass without opposition.

The bill was read a first time.

Sir Philip
Jennings
Clerk.

Sir *Philip Jennings Clarke* called the recollection of the House to a bill, formerly brought into Parliament, but rejected, the object of which was to impose a tax on places and pensions, for the purpose of raising a fund to support the American refugees. This bill had been brought into Parliament by an honourable gentleman now in the House (Mr. Gilbert) and as the motives which gave rise to it were considerably strengthened by the protracting of the American war, he hoped the honourable gentleman intended to bring it forward again this session of Parliament. He rose for the purpose of soliciting the honourable gentleman to declare whether that was his intention ; and if it was, though the noble Lord who seconded the motion on the former occasion (Lord George Gordon) was no longer a member of that House, the bill should not want a supporter, if his poor abilities could extend to supply the noble Lord's place.

Mr. Gil-
bert.

Mr. *Gilbert* declared, that he had not the most distant intention of reviving the bill.

Sir Philip
Jennings
Clerk.

On which Sir *Philip* rose again, and said, as the honourable gentleman had abandoned it, he himself would endeavour to promote a measure he thought so very equitable and expedient as this : he, therefore, gave notice, that he should, on a future day, move for leave to bring in a bill for the purposes above mentioned.

Mr. Penton.

Mr. *Penton* moved for leave to bring in a bill for better preventing desertions in the navy ; he stated to the House, that the number of men who had deserted from our ships of war, during

during the last year, amounted to no less than 42,000; a mischief so alarming demanded a speedy remedy; but to suggest any expedient, fully efficacious, was a matter of considerable difficulty, for there were a set of men, known by the appellation of Crimps, who were perpetually seducing men from the service, in spite of every penalty which the laws now in being had imposed for such misdemeanors. Did not those men give encouragement, desertions would be very rare; and therefore to deter such offenders by strict penalties, was more likely to prevent the mischief than any severities that could be inflicted on the sailors themselves. He did not mean, however, to make the punishment more severe than under the laws now subsisting, but to adopt a more summary mode of inflicting it, that the example might be more frequent and notorious. The first object in his proposed bill was to impose a fine of five pounds for the first offence, and ten pounds for the second, on all persons who entice men from His Majesty's naval service, the same to be recovered by information made before any justice of the peace; the second was, to impose the same penalty, and to be levied in like manner, upon all those who secrete any sailor, knowing him to be a deserter. But there was a third clause in the bill of still more importance than either of the preceding, which laid a considerable fine upon captains of merchantmen, who shall knowingly harbour or employ on board their ships any such deserter. The specific fine to be imposed he had not determined upon, but should leave it to be settled by the judgment of the committee; he thought, however, it should be a large one; this last he did not propose to lay by that summary process given in the former cases, but by bill, plaint, or information, in any of His Majesty's courts of record.

Having now submitted to the House the nature of the measure he proposed, he might be expected to declare an opinion, that it would in its operation be adequate to the desired effect; but this he would by no means predict, for the evil had taken such deep root that it would be very difficult to eradicate. He should only say, that those provisions were the most eligible of any his judgment could suggest, and that something was indispensably necessary to be done.

Mr. *Turner* rose to express his objections to any bill that led to harass the subject, and deprive individuals of the free exercise of their natural liberty. He said, he detested the idea of deeming an impressed man a deserter. He never could view such an individual in that light. An impressed man,

in seizing the first opportunity of making his escape, did no more than nature, justice, and reason dictated; and it was cruelty in the extreme to authorize the punishment of persons of the description stated, for attempting to regain their liberty. But the bill, as opened by the honourable gentleman, went to still more alarming lengths. It went to the punishment of those who concealed impressed men, so escaping, with a heavy fine. What! would any man pretend to argue, that he ought to be fined for concealing his brother, his friend, or his neighbour, who having been snatched away from his family, and dragged from his house on board a ship, had found means to get on shore again? Humanity shuddered at the idea! He for one never would adopt it. He made no scruple, upon his legs, to declare, that he had concealed some hundreds of impressed men in his time. And he did it, not to injure the public service, nor to impede the necessary operations of Government, but because he thought he was doing right, and as long as he lived he would discharge his conscience, let the consequence be what it would. With regard to the British seamen (for though he was not used to speak in that stile often, he thought the present occasion required it) if there was one set of men nobler than another, the British seamen were that set. They deserved every thing of their country; they were its honour, its support, and its glory! In God's name, then, let them be encouraged, and not oppressed! Give them additional rewards, to stir them on, and incite them to court the service, but do not with cruel though unavailing restraints alienate their affections. They were not men to be intimidated or deterred. New penalties, and new punishments, only created new crimes and new offences.

Sir Herbert
Mack-
worth.

Sir *Herbert Mackworth* rose to remind the House, that he had in the last Parliament suggested a plan for removing, in a great degree, the necessity of impressing, and for rendering the service a desirable object to seamen; so much so, that instead of there existing grounds for framing laws to prevent desertion, and obtaining additional hands, the service should be so regulated, that there should no longer remain a doubt of a sufficient number of seamen flocking to the royal navy, nor a fear of any seamen leaving it, after they had entered. Sir Herbert said this plan was yet in agitation without doors, and a number of very respectable gentlemen had formed themselves into a committee to manage it, meaning, when they had brought

brought it to a fit state of maturity, to have it proposed to the consideration of the House. In the mean time, possibly, the bill now moved for might be of use.

The motion passed, and a bill was ordered in.

Sir *George Yonge* revived the inquiry into the circumstance of the delay in the delivery of the Honiton writ. Mr. *Yonge*. Harmood, Mr. Smith, Mr. Palmer, and Mr. Treward, were examined.---After which the inquiry was farther adjourned, and Anthony Bacon, Esq. was ordered to attend in his place.

The order of the day being next read, for the House to resolve itself into a committee, in order to take the state of the British linen manufacture into consideration, the Speaker left the chair, and Sir Archibald Edmonstone took his seat at the table.

Mr. *Dempster* then rose, and called the attention of the committee to the subject upon which he had moved for the House to resolve itself into a committee. He said, no man rejoiced more sincerely than he did, in the humane, prudent, and generous regulations that the House had last year adopted relative to the trade of Ireland. He wished that country sincerely well, and should ever consider its interests as closely and inseparably connected with the interests of Great Britain. He thought it tyrannical then, and still did, that any part of the King's dominions should lose the benefit of any local advantage it possessed by its soil, climate, situation, genius, or industry. In what he was about to open, therefore, he trusted that he should not be suspected of looking on the flourishing state of the Irish linen trade with an envious eye; indeed the resolutions which he meant to offer to the committee tended equally to the benefit of Ireland and Great Britain. Gentlemen well knew, that by an act passed so long ago as the 29th year of King George II. a bounty was granted on all linen exported from Great Britain and Ireland; but in that act a clause was inserted, excepting printed and stained linens from the said bounty. The reason or the justice of that exemption, Mr. Dempster said, he had never been able to discover, but the wisdom of the Irish legislature had induced them lately to pass an act, in which they had omitted the exempting clause; so that at present printed and stained linens exported from Ireland were entitled to the same bounty as other linens. The difference, Mr. Dempster said, was about ten *per cent.* in favour of the Irish linen trade as it stood just now; what he should propose therefore was, to pass an act, allowing the bounty upon all linens, printed and stained, that should be exported from Great Britain; which would operate

as a benefit to Ireland as well as to Great Britain, since at present a much greater proportion of Irish linen, printed and stained, was exported from Great Britain than from Ireland. After expatiating pretty largely upon the subject, of which Mr. Dempster appeared to be a complete master, he concluded with reading his first resolution as follows:

“That it is the opinion of this committee, that the respective bounties on plain British and Irish linens, granted by an act of the 29th of his late Majesty, and continued by several subsequent statutes, be extended to British and Irish linen printed or stained in Great Britain, and to buckrams and filletings.”

Mr. Dempster next said, that he meant to go still farther. A very great quantity of soap was used in washing; and as it had always been the policy of this country to cherish the materials for manufacture, he wished to point out a hardship in this article. The duties on soap were altogether three halfpence. By the 12th of Queen Anne the linen manufacturer was exempted from one halfpenny; but the subsequent penny duty still lay against him! whereas the woollen manufacturer had an allowance of two-thirds of this penny also. He wished to extend this advantage to the linen manufactory. It was an advantage which they wanted; for in Ireland there was no excise whatever on soap; so that in this particular the linen manufacture of Ireland had a manifest advantage over that of Great Britain; the resolutions he should offer on this point were,

“That it is the opinion of this committee, that the same allowance of excise upon soap which is granted to the woollen manufacture, by an act of the 16th of Queen Anne, be extended to soap used in whitening new linen in the piece.”

“That the said allowance, and also the allowance of the duties on soap used in whitening new linen, granted by an act of the 12th of Queen Anne, be extended to soap used in bleaching linen, thread, and yarn.”

The other materials used in bleaching he wished also to see exempted from duty, on the principle which he said had always been attended to by the wisdom of Parliament, of permitting the importation of raw materials, duty free. These were barilla, pearl, pot and wood ashes; and also saltpetre and brimstone, which were the materials from which the oil of vitriol was made, an article much used in bleaching. There was one other consideration very material, which was the duty on starch. This duty was 3d. per pound, and the price of itself, independent of the duty, was only 3d. It was much
used

used in bleaching, and the duty was a burden on the manufacture which it could hardly bear. He wished to see the manufactory relieved from that duty. These were the propositions which he had to offer, and he read them as follow :

“ That wood and wood ashes, pot and pearl ashes, barrilla, and that species of blue called smalts, be allowed to be imported duty free.”

“ That all brimstone and saltpetre used in the making of oil of vitrol, be allowed to be imported duty free.”

“ That there be an allowance of all the excise of starch made use of in bleaching and whitening new linen.”

After which the chairman put the first resolution.

Lord North thereupon rose, and after declaring himself a Lord North. hearty friend to the linen manufacture of this kingdom in general, very candidly admitted that the British linen manufacturer had a right to expect to stand upon the same footing with the Irish manufacturer, as far as had reference to the relative advantages of the manufacturers of both countries, previous to the passing the acts of last session. If, in consequence of those acts, a preference of trade had resulted to Ireland, and Great Britain stood comparatively in a worse state now, in the year 1781, than she had done in the year 1779, certainly it was reasonable to call upon that House to reduce the matter to its old level, and let each country carry their goods to market under the same advantages, and with the same equality as heretofore. On this account, his Lordship said, he saw no objection as to the first resolution passing the Committee. The bounty upon painted and stained linens ought to be granted, if Ireland by an act had done so; but he could not agree with the honourable gentleman in respect to others of his propositions, which had no reference to the competition, or to the relative state of the manufacture. The excise payable on soap, used in the whitening of linen, had been paid by the British linen manufacturer, previous to the regulations made respecting the trade of Ireland in 1780: it had been found that gaining allowances upon soap was liable to very great frauds, to the manifest prejudice of the revenue. With respect also to this resolution, and to the several others, they all affected matters on which Government had relaxed a proportion of duty two years ago; and he saw no reason why more should be given up, especially where it tended to lessen the revenue. Allowances were always detrimental to revenue, because they opened the door to fraud; and from the experience that they had had, he trusted that

other means of encouragement would in future be adopted in the place of allowances.

Mr. Turner. Mr. *Turner* spoke in favour of the resolutions, and complained of the English members neglecting to attend and take care of the linen manufacture; in Scotland, he said, there was a linen board, and in Ireland another, but in England nobody troubled their heads about the matter, though it was a very important branch of trade, especially in the part of the county of York in which he lived. He spoke about the money voted by Parliament for the encouragement of the British linen manufacture; and in the course of his speech advised the noble Lord to lay a duty on the importation of flax-seed.

Mr. Minchin. Mr. *Minchin* pressed the adjournment of so important a question till the next session, declaring that he had written to Ireland and Scotland to make himself sufficiently master of the subject, and asserting, that it was impossible to proceed correctly, till the state of the manufacture in both countries was known, as likewise the real tendency of the act passed by the Parliament of Ireland last session, which had been alluded to by the honourable gentleman who made the motion.

The Lord Advocate. The *Lord Advocate* said, he was glad to find the linen manufacture of Great Britain was in the road to meet some favour. The House had been called upon, again and again, to open its eyes to its true interests, as far as they were connected with a subject of so much real importance as the linen manufacture; but the House had obstinately persisted in blindness, till the wisdom of the Irish legislature had restored it to sight. With regard to the adjournment asked for by the honourable gentleman who spoke last, if the subject had rested on the result of any deep inquiry, or a reference to matters of intricacy, or matters at a distance, he for one should have been extremely ready to have agreed to the request; but the truth was, the business then under consideration was of a very different nature, and turned solely upon simple facts then before their eyes; upon the statute of the 29th of George the Second, and the statutes of Queen Anne, each of them at that moment lying upon the table, and upon the Irish act of Parliament, which was also upon the table. With respect to the state of the British manufacture and that of Ireland, in point of comparative success, his honourable friend had not said one syllable; the whole of his argument had turned upon the regulations of 1780, the great

great and avowed ground of which was, that neither Ireland nor Great Britain should enjoy any positive advantages arising from statutes, but that each should trade exactly upon the same footing in that point. As to any local advantages arising from peculiarity of soil, climate, or situation, they were wholly out of the question, each country undoubtedly having a right to make the most of them. At present, clearly the linen manufacture of Ireland enjoyed a positive advantage of statute over the linen manufacture of Great Britain; and he was glad to find the noble Lord in the blue ribband ready to agree that Great Britain had a right to give itself the same advantage. Much, however, as he was accustomed to be convinced by the noble Lord's arguments in general, he could not say he was at all satisfied with his objections to the several resolutions read subsequent to that now moved. The noble Lord had owned himself willing to do the linen manufacture of Great Britain a little justice; let him be the noble Lord's adviser to do it more justice, by acceding to all the resolutions, every one of which he was persuaded was equally just and equally prudent. The noble Lord had talked of what was done in Ireland; there was no necessity for going across St. George's Channel in search of arguments against any point the noble Lord chose to oppose. The noble Lord had ingenuity enough to deduce arguments from his own mind, and to rest them on facts nearer home. The learned Lord used several other arguments in support of the resolutions.

Mr. Minchin made a short reply.

Sir *Thomas Egerton* said, he feared the proposition for granting the bounties on printed and stained linens might affect the cotton manufacture, and, therefore, he desired the Committee might report progress, and adjourn for ten days, in order that he might have time to consult his constituents upon the subject. He concluded with declaring his resolution to offer a motion to this purport.

Sir *Grey Cooper* reminded the honourable gentleman, that the present was a previous Committee only, and that there would be ample time to inquire, upon the point he had stated, in the progress of the bill, as the matter might be debated at any one of its various stages.

Sir Adam Ferguson, Lord Frederick Campbell, Mr. Pulteney, and other gentlemen defended and supported the resolutions.

Lord *Fairford* begged four days only, that he might see the Irish act of Parliament.

Mr. Dempster.

Mr. *Dempster* produced the act, and said, he dreaded delay, though but of a few days, as that might end in the loss of the session. He replied to several of Lord North's objections.

The first resolution was carried.

Upon the 2d and 3d (whole relative to the excise on soap) Lord North. being moved, Lord *North* rose, and restated his objections. His Lordship also took notice of some of the arguments of the learned Lord, and of Mr. Turner. With regard to the latter's observations on the sums voted for the support and encouragement of the British linen manufacture, he repeated what he had said on a former day, that the money now lay in the Exchequer; and as no one had thought proper to claim it, the sum had accumulated to the amount of 44,000*l.* which if not soon claimed, he meant to move to have carried to the supplies of the present year, as one of the ways and means. His Lordship said farther, that he was too good a friend to the British linen manufacture, ever to propose a tax on the importation of flax-seed.

As soon as his Lordship had concluded, the Committee divided. Ayes 19, Noes 28.

The fourth resolution, relative to wood and wood ashes was agreed to, upon the condition, that Lord North should not be considered as pledged to accede to it, when under discussion, as a part of the bill.

The fifth, relative to brimstone and saltpetre was negatived; and the sixth, relative to starch, was with leave withdrawn, Lord North having declared it to be a matter of great consideration and of sufficient importance to be made a single topic of discussion.

The House was then resumed, and the two resolutions agreed to by the Committee were ordered to be reported on Monday next.

April 27.

Lord North.

Lord *North* informed the House that he was not yet prepared to bring forward his propositions respecting a settlement with the East-India Company, for the renewal of their charter. He had seen several of the Directors, and an opening was made towards an amicable settlement. It was not, however, so advanced as to give him the confidence to declare that it would be concluded. He wished, therefore, to adjourn the Committee to Wednesday next. Even at that time he might not be able to bring forward the business, but he would be able either to inform the House that the difference would

would be settled, or to appoint a day when it would certainly come under their consideration. There was one circumstance however, which he thought it his duty to call the attention of the House to, which was the late disaster which we had suffered in the Carnatic. It had engaged the attention of the world in a very great degree, and undoubtedly it was a circumstance of material consequence. An Indirect account of the calamity had come to hand some time ago, but no regular intelligence of it had arrived till Easter week; he could not therefore take notice of it sooner: but now that it had come to hand, and had given rise to so much public clamour and uneasiness, he thought it right for the House to inquire into the circumstances, and the cause of that irruption. For this purpose he meant on Monday to move for a secret committee to inquire into this business. He thought it better to refer it to a secret committee, as there was much more dispatch in a secret committee, and such objects were more fit for a secret than for an open committee. They only would be appointed to inquire into the business, and report to the House the information and the knowledge which they were able to collect. They would not come to any decisive question. He begged to be understood not to mean to impute blame in the present proposition to any body. Perhaps there ought to be no imputation; but there was a great national calamity which called for the attention of Parliament, and in moving for the inquiry they fixed no disgrace to any man or set of men. The inquiry was meant for the purpose of discovering whether blame ought to be imputed to any of our servants or not; and he trusted, that if it should be found that there had been palpable and apparent neglect or abuse of trust, the crime would receive, from the justice of Parliament, the punishment which it merited.

Mr. Baker rose to appeal to the noble Lord, whether it would be proper for the House to proceed precipitately to the length of appointing a secret committee upon a subject of such infinite importance, without first having some proof before them of the existence of the facts, into the causes of which the committee to be chosen on Monday were to be instructed to inquire? At present the House knew nothing of an invasion in the Carnatic; they had no papers on their table that contained any such information, nor was it in any parliamentary shape before them; he submitted it therefore to the noble Lord, whether the facts ought not first to be authenticated,

Mr. Baker.

authenticated, and whether, before they were authenticated, it would not be a direct violation of every rule of proceeding in that House, as well as an absurdity in itself, to chuse a committee to inquire into the cause of them.

Ld. North.

Lord *North* conceived that the notoriety was a sufficient reason for the House to inquire into the business. It was a notorious fact that Hyder Ally had made an irruption into the Carnatic, and a very material disaster had been the consequence. This was a great national calamity, and therefore the House ought to inquire into the cause of it: but the East-India Company had published an authentic and avowed account of it in all the newspapers. Without this, however, the notoriety of the fact would be sufficient to justify, and even to induce the House to take it up. There were many precedents for such conduct; and being a national calamity, they ought at least to inquire into the truth of the report.

Mr. Fox.

Mr. *Fox* said, that what had fallen from the noble Lord had given him the highest satisfaction. The noble Lord's argument was perfectly wise and politic; and though it came a little awkwardly from the noble Lord's mouth, he congratulated him sincerely on his having at length embraced a doctrine, which, in a variety of other cases, he had resisted and opposed, and but too often, with success. When facts of such vast importance to the public as the late invasion of the Carnatic, and the disasters that followed it, had become a matter of public notoriety, he was ready to join issue with the noble Lord against his honourable friend, and to declare that it was necessary to proceed to an immediate inquiry into the causes of these misfortunes, and that it would be childish to wait for minute proofs of the particulars. In cases of such magnitude forms were a mere farce, and no man of real political wisdom ought to let them stand in the way of inquiry. If there was such a thing as a certain rule of policy, this was that rule, and he rejoiced that the noble Lord had followed it in the present instance. He was right for the first time, and he gave him full credit for being so; at the same time, however, he could not help remarking the extreme difference that there was in the noble Lord's conduct, in cases in which he was personally concerned and in which he was not. In the latter case no man was more capable of judging and of acting right. In the former, no man was so blind or so unfortunate. In the present instance, he was convinced, that if, upon its being asked who was the cause of the disasters in the Carnatic? it should be answered, Hyder Ally was the cause; the noble Lord would laugh in the face of the man
who

who should be weak or mad enough to offer such a ridiculous reply, and to think that such a reply conveyed the satisfaction required. And yet the House would recollect on how many occasions the noble Lord had answered exactly in the same stile. When it had been asked, what was the cause of the American war? the noble Lord had answered, the Americans were the cause. Again, as to the cause of the French war, the Spanish war, and the Dutch war, a similar answer had been given. The French, the Spaniards, and the Dutch, were the cause. In like manner when an inquiry had been attempted into the cause of the loss of our West-India islands, the answer given was, the French took them from us, and consequently they were the cause of our losing those islands; but now he flattered himself there would be an end to these puerilities and absurdities; and when a committee should be moved for, to inquire into the causes of the present calamitous, impoverished, and degraded state of the nation, the noble Lord would be among the first to forward the measure, and support a motion of that sort; if not, the world would see, that in his own case, or where his own conduct was likely to be involved in the consideration, and he was, of course, to be affected by the consequence, the noble Lord set his face against all inquiry; but where he was a by-stander (for strange as it was for the Minister of this country to appear in the character of a by-stander, with regard to the situation of our affairs in India, yet in some degree, the noble Lord might be so considered) the noble Lord could act as uprightly, as wisely, and as fairly as any other man in the kingdom.

Lord North made a short reply to Mr. Fox, and said, that he never had opposed an inquiry into his own conduct, nor ever feared one. If his opinion was asked, whether the American war was owing to the ambition and lust of power of the rebellious Americans, or to the oppression of the British Government, he undoubtedly should answer, that he thought the causes of that war were the ambition and impatience of Government of the rebellious Americans. In the inquiry, which he wished to institute, possibly it might come out, that the causes of the disasters in the Carnatic, were the ambition, rapacity, and injustice of Hyder Ally. It might, however come out, that there were other causes, and it was for the purpose of discovering those causes that the inquiry was to be made. But surely he had not resisted an inquiry into the American war, nor acted differently in the case in which he was himself materially affected and where he was not. The American war had been repeatedly inquired into; it had been the

the daily subject of discussion and debate for the last four years, and consequently it could not be said that he had been the means of stifling inquiry.

General Smith.

General *Smith* said he was happy to find that the House were to institute an inquiry into this calamity. It was certainly an object of the greatest magnitude. But he recommended it to the noble Lord not to confine the inquiry to the mere circumstance of the irruption into the Carnatic, but to take in also the conduct of the council of Bengal, with which it would be found that the irruption was most intimately connected. That it was owing in a great degree to their conduct that the calamities had ensued, he had not a doubt, and it was very necessary, that the House should know the fact, as he hoped that the inquiry would lead to a very serious and important issue, and that the House would think it incumbent upon them to go to the bottom of the business.

Lord North.

Lord *North* said, that undoubtedly if the committee, in the course of their inquiry, found that the irruption and disasters were in any degree occasioned by the negligence, the rapacity, or other misconduct in the council of Bengal, they would make their report to the House accordingly. But he was averse to multiplying the objects of this inquiry, because it would retard them. He wished to keep them to the point, for the sake of dispatch, which was now so necessary for the interest of the Company and of the nation.

Mr. Burke.

Mr. *Burke*, recommended it to the noble Lord by all means to extend the proposed inquiry to all the objects which were connected with the disaster of the irruption into the Carnatic. To limit it to that particular calamity, without taking into consideration the concomitant measures and circumstances that had led to it, would be idle and nugatory. The House would not receive the information that was absolutely necessary to form a judgement, or to act with wise caution on a matter that deserved so much discussion and inquiry. The conduct of the council at Bengal undoubtedly was connected with it. The whole of the proceedings, the origin and the conduct of the Mahratta war were so immediately connected with this business, that they must be included in the inquiry. Nobody could believe but that the Mahratta war was one great cause of the irruption of Hyder Ally. It would not be believed that that irruption would have happened if it had not been for that war, begun by the members of the council. In short, there was a great variety of important objects connected with this business, which ought all to be attended to. It was a most intricate

tricate and serious business, and would require that men should come to it with the coolest heads and the steadiest hands. Being a secret Committee, the necessity that there was for caution became greater: he was far from condemning a secret Committee; he knew that a secret Committee was the only effectual way of doing business, but then it was unavoidably, and from its nature, the cause of public suspicion; his wish, therefore, was to lessen the suspicion and increase the effect; and this he thought would be the consequence of taking up the inquiry on broad grounds. In that case the public would have confidence in the Committee, and would look for success from their efforts. He repeated it, however, that he meant not to direct the inquiry to a general consideration of the affairs of India. He had, for a long time, been employed in examining and searching into them; and he knew from experience, that they were at once too extended and too complicated, and had the views, passions, and interests, of too many different men connected and blended with them, to be easily developed or tolerably understood on a sudden.

Lord North rose once more to assure the honourable member, that he had not the most distant wish that the inquiry should be a partial one. He considered the subject as extremely weighty and important, and he hoped it would be inquired into fairly, seriously, and dispassionately. His Lordship again explained his reasons why he thought it more advisable to point the inquiry only to the affairs of the Carnatic, and he added, that every thing, which in the course of the investigation should appear to have been among the causes of the disasters in that district of India, would necessarily fall within its scope.

Mr. Gregory said, he was heartily glad to find, late as it was, that the affairs of India were likely to be taken into the serious consideration of that House. He wished it had happened to have been the case earlier, because he was convinced, if it had, the late misfortunes would have been much less than unfortunately they have been. In the course of this inquiry, it would be material to know how it happened, after we had driven the French out of India, that Hyder Ally ravaged the Carnatic, and not only broke in upon the possessions of our allies, but upon those of the Company, and marched up almost to the very walls of Fort St. George, without any one measure appearing to have been taken by those in power in India, to prevent such a disaster from happening, or to stop the extent of it when it did happen.

This was essentially necessary, and he hoped that exemplary punishment would fall upon that man, or those men, who should turn out to be guilty in the particular above stated, be they whom they would; if it should be proved that the disasters originated in the rapacity of those in power, they ought to be punished with regard to personal influence, wealth, power, connection, or any other consideration. Mr. Gregory concluded with saying, that, late as it was in the season, some ships were just now preparing for their voyage, and their carrying over information to India, that the British legislature had entered upon the serious consideration of the state of that country, and of the causes of the late events there, would, he was persuaded, be attended with the most salutary consequences; he, therefore, for one, was ready to give the measure every assistance in his power; and he pledged himself to do so, and also to take care that all the information which the India House was possessed of, should be laid before the Committee, and that if there should be any concealment he would complain to that House.

The order was discharged, and a fresh order was made for the House to go into a Committee next Wednesday.

April 31.

The House, on the motion of the Secretary at War, resolved itself into a Committee of supply; and Mr. Ord having taken the chair,

The Sec. at War.

The *Secretary at War* (Mr. Jenkinson) observed, that gentlemen might recollect, that when, at the beginning of the session, he proposed a reform or reduction in the army and militia, he apprised the Committee, that it might afterwards be thought expedient to raise some troops during the course of the year. That measure had since been adopted; and orders had been given for raising forty independent companies in England, and forty more in Ireland, to be placed on the English establishment. The expence of this augmentation, he said, would increase by very little indeed the general supply of the year; for the savings made by the former reduction would very nearly answer the whole expence of the establishment of the eighty new companies. By one branch of the reduction, 51,000*l.* had been saved, and was now in the Exchequer: and by another, 57,000*l.* so that it would not be necessary to provide for more than the payment of about 8 or 9000*l.* But though the money was procured, it was necessary to have a resolution of the House, by which it would be appropriated to this use. He then moved, that a sum, not exceeding 117,000*l.* be granted for the maintenance of eighty additional independent companies.

Sir *P. Clarke* desired to know why the companies were not regimented. Sir *P. Clarke*

The *Secretary at War* said, that if hereafter it should be found expedient to regiment them, it certainly would be done, but at present they were at much less expence to the nation; and the nature of the service made it necessary to raise companies, not regiments; for they were raised by the captains; and companies were much easier completed than regiments: besides, in their present form they might be very serviceable: there were some regiments serving on board ships, the field officers of which were rendered useless by the nature of the service. As soon as the independent companies should be complete, they might be sent to service in the room of those regiments which might then be called home. The Sec. at War.

The House being resumed, Lord *North* rose, and moved, pursuant to his intimation of Friday last, "That a Committee of secrecy be appointed to inquire into the causes of the war now subsisting in the Carnatic, and of the present condition of the British possessions in those parts; and to report the same, with their observations thereon." His Lordship said, that he had worded this motion as widely as possible, to obviate an objection made against it the other day by gentlemen who wished the inquiry should extend into the presidency of Bengal. Under the general terms he had adopted, it would be competent for the Committee to pursue their inquiry through all our settlements in India, if it should be found proper so to do, for ascertaining the causes of Hyder Ally's invasion; and if the Mahratah war had, as was suggested, contributed to that event, it would also come under their consideration; but to include the presidency of Bengal directly in the motion, before it was certainly known whether the mischief originated there or not, would, in his opinion, have unnecessarily impeded the progress of the inquiry, which ought to be conducted with all possible dispatch. Lord North.

Lord *Newhaven* rose to return the noble Lord thanks, for instituting an inquiry at once so just and necessary; and requested to know what powers his Lordship intended to invest the Committee with; he wished for ample powers; as the inquiry would prove nugatory, if the Committee should not receive such powers as would enable them to proceed with efficacy in their pursuit. Lord Newhaven.

Lord *North* said, it was his intention to follow his first motion with another, by which he meant to give the Committee all the usual powers of Committees; such as calling for papers, examining witnesses, &c. and likewise a new power, Lord North.

which was that of sitting at the India-House, if they think proper; this was a power which, he said, would promote dispatch; as they would be on the spot to read those papers, which otherwise should be copied to be sent to the House of Commons.

Mr. T.

Townshend

Mr. T. Townshend said that he did not rise to find fault with the motion of the noble Lord in the blue ribband; nor would he agree with the noble Lord, his friend, to thank him for the motion until he saw farther into the design of the noble Lord, by the manner in which this Committee was formed, and the powers with which it was furnished for accomplishing with effect the purposes for which they were appointed. It was a business of the utmost importance; and if the inquiry was carried on with steady and determined minds; if no party considerations were permitted to have influence; and if no secret management was suffered to interfere, then he should thank the noble Lord, and think himself called upon to do so, because then the noble Lord would act with wisdom and energy, and do his best to retrieve calamities which perhaps the imbecility or the corruption of his Administration had had a very considerable share in bringing about. Without openness, without impartiality, without entering upon it free from all motives of baseness and degeneracy, it would fail of the desired end; it would be a mockery of justice. He observed that a person high in office shook his head at the mention of impartiality. It was an ominous sign; but he yet trusted we meant to make this inquiry a serious one. We had sacrificed enough to patronage and partiality; and the unhappy system of the present Ministry had been sufficiently fatal in its consequences in the East, as it had been in the West. He thanked God that no friend of his could be affected by the issue of the present inquiry. He did not mean by this to point out individuals, who possibly might be affected by it: but after having sat so long in that House, he was not to learn that there were a body of men distinguished, and properly so, by the name of "Nabob members," who found particular favour in the eyes of Ministers, whatever might be the means by which their fortunes were acquired.

It was observable of those gentlemen, that very soon after they came into the House, a material distinction was made between them and country gentlemen; and, some how or other, decorated with titles or with honour, they were introduced into some share of the Administration, they were seen in that House aspiring to honours by servility;—*gaudent prænominē molles auriculæ*; they were observed with their titles and

and distinguishing appellations thrusting up towards the treasury bench, and no men were so obedient, so useful, or so necessary to the Minister as them; the country had to attribute to these men a great share of their calamities in the baneful example which they give of Asiatic luxury and Asiatic corruption. He said it was a circumstance which would hardly be denied, that the support which the Company's servants had received from Ministers; the protection they had given them when charged with peculation; and the rewards which they had bestowed on them when convicted of treachery, had been the great means of instigating those servants to go to lengths of abuse unknown in former times, and from which the present calamities had been derived. It was now then a duty incumbent on that House to enter on the present inquiry with seriousness and with resolution, that the Report might go out to India, and reach the ears of the Company's servants, warning them against future peculation by the prospect and the certainty of parliamentary correction. It was said, and he believed with some truth, that at this moment the nabob of Arcot had between seven and eight members in that House devoted to his service, and who were to support the Minister, if the Minister befriended him. Was not this a reason for making the present inquiry serious and determined, and not to suffer it to be like all former inquiries, a mere farce, a piece of political intrigue, by which the Minister was served, that he might secure his friends.

Sir *Thomas Rumbold* rose, he said, at that early date after his admission into that House, in consequence of some matters and insinuations that had fallen from the honourable gentleman who spoke last, and which evidently hinted at his situation. In respect to the inquiry proposed by the noble Lord, he not only agreed in the propriety of it, but also thought it exceedingly necessary and becoming. The situation and state of our affairs in India were such as to require the sober and serious investigation of Parliament, and there was nothing which he more ardently desired than that the whole of this business should be thoroughly and fairly examined. At one time he was afraid that India affairs were not to be taken up in that House at all, and he was sorry that it was now so late in the session; he considered it as necessary that the matter of inquiry should go farther than the immediate object of the disaster in the Carnatic; indeed in his opinion it must go farther. The Parliamentary agreement with the Company, which had taken place in the year 1773, ought to be the date from which the inquiry should set out. That contract

Sir Thomas
Rumbold.

contract was avowedly intended as an experiment of regulation and government. It ought to be inquired whether the plan settled by Parliament had been productive of salutary or detrimental effects to the commerce, the revenue, the establishment, and the security, of the Company. The noble Lord had declared of that agreement, that he could not answer for the consequences, but that he meant to try them, and either to repeal, or alter, and amend it, just as its operations should turn out. That act had now existed for about eight years, and its effects might be pretty well ascertained, and surely in the present object, it ought to be inquired whether it had tended to conciliate or inflame the powers of India; to restore unanimity or give rise to dissensions. In fact, the present war was connected with the business of this term, and he did not see how it could be possible for the Committee to inquire into the causes of this war, and this calamity, without reviewing the conduct of the presidencies during this period, and the effect of the regulations introduced by the last settlement. This scale of inquiry would, he was convinced, have been more likely to produce a good effect than the narrow one marked out by the noble Lord; and, indeed, without examining into the history of the wars in the different parts of India for some years past, it would be impossible to come at the true causes of the late disasters in the Carnatic; a matter which he sincerely hoped would be fully gone into, because he knew that the more deeply the matter was probed, the more evident it would appear that his conduct in India, (whence it was well known he had lately returned, after having held a high office there) was justifiable in every part of it.

With respect to the institution of the Committee, undoubtedly it would be very unbecoming in him, circumstanced as he was, to be a member of it; and indeed it was a matter which he by no means desired; but though he was aware that a secret Committee was better calculated to do business with dispatch and effect than an open one, yet there was something about that word secrecy, which he could not say was perfectly satisfactory to him. In the course of this inquiry it would be found that there was very great intricacy and much labour. It would be difficult, amidst the voluminous masses of papers which they must necessarily have before them, to select such as immediately pointed to the object of the inquiry; it would be difficult for them to call for such by name as directly went to that end; and in the multiplicity of work, and the difficulty, they would have much need of assistance and aid from gentlemen, who, by being in office

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At the time, and interested in the business, would naturally be more acquainted with those objects. An honourable member of that House, who was in the council of Bengal, and himself, who had been the Governor of Madras, might be of essential service to the Committee in this respect, and he took the liberty to suggest this to the House, without indeed having consulted the inclination of the other gentlemen, in order that some method might be settled by which this opportunity might be given them. In order to shew the necessity of this matter, he gave an instance, material to himself, in which the council of Bengal had written a letter to that of Madras, on the subject of a treaty which had been entered into with one of the country powers, whose name we do not precisely recollect. In this letter they declare that they had not written to Madras since the 29th of October, 1775, when they directed the council of Madras not to conclude that treaty without farther advice and authority; and that having done so, it was contrary to the laws of the Company, as settled by the last charter. This letter, coming from a council board, entered regularly on the records of the court, could hardly be conceived to be inaccurate with respect to a point of such importance as to the matter of fact; and yet, in truth, that board, either through the misinformation or negligence of office, or though the hurry and the confusion of business, it was incorrect; for they had written letters to the council of Madras subsequent to October, 1775, in which they had given express directions for the conclusion of that treaty. This fact would serve to point out to the House the necessity of the assistance which he had mentioned: for it would not readily occur to men who were not immediately concerned in the matter, that there could be so material an error of office as that which he had pointed out. It would, therefore, by such opportunity, be in his power to lead the Committee to such papers as would vindicate his character. It was his wish that every part of his conduct, as Governor of Madras, should be fairly and fully gone into. He only desired to have a fair trial; for in his government it had been throughout his study and his wish to pursue the interests of the Company, and to follow the rules and orders prescribed for the servants. But it was suggested by the honourable gentleman who spoke last, that there were nabob members in that House, who having made immense fortunes by speculation, were patronised by the Minister, protected and aggrandised. For his own part he would readily declare that there never was a moment at which he so much desired, or could desire, to have a seat in
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that House as the present. The House could be at no loss to divine his motives. He was anxious to meet inquiry, from the conviction that a man could always explain his own case himself, especially when it was full of the intricacies that his must necessarily be. He did assure the honourable gentleman, that he had too just an idea of the weakness of his talents, to fancy that they could give him any importance in that House. The vote of one man, or even of two, could not possibly give him much interest, or even claim the favour of a smile, or a whisper, from the Minister. He had only seen him once since his arrival from India, and then he had addressed him in this manner: "My Lord, I desire no other than a fair opportunity of vindicating my conduct and character; and that when I shall have the happiness of ascertaining my innocence, I may have the honour of your protection, and that you will not suffer me to be sacrificed to party." This was the language which he had held, and this was the reason which had made him anxious for a seat in that House. The House were not to learn, that there had been a great deal of invective and calumny in circulation, by which prejudices were conveyed to the minds of the public, and much misrepresentation had gone abroad. It had been but too long and too fatally the system of Indian management. It was a traffic to which, however, he had never had the meanness to descend. The time that he entered on his government was very well calculated for the exercise of the pen; there was sufficient room for libel and slander; but he had scorned the contemptible practice. He had disdained the reputation which was to be supported or advanced by throwing obloquy upon others. He wished only for opportunity and candour in this House, in the court of proprietors, or in the courts below; he desired to meet inquiry and court trial with openness and with confidence; and he exceedingly desired, that in this Committee the opportunity might be given him, which he had pointed out as necessary and proper.

Mr. Gre-
gory.

Mr. Gregory expressed his satisfaction, that the present inquiry was to come on, and he trusted that it would not be a mockery of justice, or mixed with party interests and party friendships, to the insult and the injury of the Company and of the kingdom. It was very true that the business would be very intricate and complex. There would be occasion for many volumes of papers; and as to the fear expressed by the honourable gentleman who spoke last, that the Committee would not be furnished with the proper papers, he would make it his study to watch with a narrow eye, that

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no concealments might be made, and no papers or information denied them, that might be necessary or useful in the prosecution of the inquiry. He pledged himself to the House, that if any such circumstance should occur, he would move in his place for the most exemplary censure and punishment that could be inflicted on the man, or set of men, that should be guilty of this offence; and he called upon the House to assist and support him in this task.

Sir *Thomas Rumbold* rose to explain what he had before said. The honourable gentleman had entirely misconceived him; he had not suspected that any papers would be withheld from the Committee, but had merely spoken of the difficulty of the Committee's knowing what papers were necessary for their inspection, and what were not. For instance, the papers of the Madras government, during his having the honour to preside there, were so extremely voluminous, that the Committee might search for five months after a particular passage; whereas if he was present, from knowing them perfectly, he could point it out to the Committee in five minutes.

Mr. *Burke* rose, and pointed out and urged the propriety of rendering the Committee open, instead of secret. The honourable Baronet had desired a very proper and fit thing, the opportunity of vindicating his character from charge and aspersion. By making it a Committee of Selection, instead of a Committee of Secrecy, that opportunity might be given; and by this attendance, and the attendance of other honourable gentlemen, the most advantageous assistance would result to the Committee, in pointing out to them such papers as were material in the inquiry. The honourable gentleman would be of great service to the Committee, by attending in this manner; at the same time, that on account of his peculiar circumstances, he would be very improper to sit as a member of it; and he was himself convinced of this truth. It was in the nature of a judicial inquiry; and being a judicial inquiry, it ought to be open, unless they intended it to be a mockery of justice, instituted to quiet the murmurs of the moment; to be begun with heat, and broken off with haste. *Opere in medio defixa relinquit aratra.* In this inquiry, the fortunes, the lives, of many individuals, were at stake; and it was a principle of the law and the justice of Great Britain, that her judicial proceedings should be conducted in the face of day. It would be an imputation upon the country, if public punishment, or even public acquittal, should follow private trial. It left suspicions of guilt upon

the man that was innocent, as it gave room to jealous conclusions of innocence on a verdict of guilt. It was always the nature of secrecy to inspire suspicion: and it was the virtue, the glory of the British law, the cause for which it was venerated and applauded among nations, that it was administered in public. That which threw imputation and obloquy upon the judicial trials of despotic states was, that their trials were secret, that they were kept concealed from the investigating world, by which their partiality and their injustice might be covered; by which they might favour without detection, or deviate with impunity.

What was it that made the Spanish inquisition so obnoxious and detestable? Not the principles of the institution, for they were founded in many instances in substantial justice, and in admirable policy; but the conduct of the court rendered it abhorrent to nations; the secrecy of their proceedings poisoned the justice, and bred suspicions in the minds of men, which neither their purity nor their impartiality could wipe away. The general argument against their tribunal was simply this, that men could not know whether they condemned with justice, or acquitted with honour.

Perhaps it might be said, that in the present case the publicity of the inquiry might lead to disclosures, of which the enemies might avail themselves to our disadvantage. This was a sentiment founded in error. No such consequences could arise. It was not in the nature of things that secrets could arise, of which the enemy were not already in the possession, or if they were not, from the circumstances of the situation, they could be of no service to them; since by this time the struggle must be decided, or at least the posture of affairs so changed, as to render those secrets insignificant. Secrets of inefficacy, of treachery, or of corruption, were the bane of governments. He never knew of a state that had been ruined by the openness of its system; by its readiness to search into its distempers, and to lay bare its wounds; but he had heard and read of many that had been ruined by the timorous secrecy of their proceedings, by the concealments which they observed in their inferior branches and dependencies; by which corruption and disease were suffered to gather head, until, when they burst into eruptions, they were too formidable for remedy, and withstood all the powers of physic. Such was always the effect of jealous and timid secrecy in the system of government; and nothing could tend so much to the confirmation of calamity as a timid concealment of its existence.

Make, says he, your inquiry open, full, comprehensive, and public, and what would be the consequences? You would

would give consequence to the states that surround you in India; you would teach them to look to Britain with a degree of preference and respect, and shew them, that, from no neighbour, and from no power, they could expect such equal justice, and such permanent security, as will flow from you. What has been the cause of all your disasters, but the secrets which had been observed in those inquiries? What is it that has alienated the affections of surrounding nations, and made the name of England hateful in the East, from Mount Caucasus to Cape Comorin? What but the protection which has been given to delinquents, the blindness which has subsisted in the state, and the license that has consequently been taken by the servants of the Company to invade property, to be rapacious of dominion, to violate treaties, to outrage neighbourhood, to sacrifice faith, and to make enemies on every hand? It is this that has forced those nations to consider every state as their friend, that would take them under their protection instead of you. They have also considered the most despotic empires as more liberal than Britain. Reform, then, your principle, since it is founded in vice, and productive of calamity. Establish a generous principle in its room, of fair, and full, and public justice. Shew them that you are determined to become the protectors, not the oppressors, of the country. That you wish to hold your authority on the solid rock of their happiness. Consider that there are thirty millions of souls involved in this affair; and as you cannot maintain your government by mere power, study to preserve it by policy. Let there be no private business nor private interests to interfere in this inquiry; no one set of men to protect and save; no other to harass and destroy. Let it not be confined to the mere disaster in the Carnatic; nor limit your investigation to points so little in the important whole of the business; to the defence of a pass; to the weakness of one place, and the quantity of stores in another. These are the mere pustules, the eruptions on the skin, and while you are intent on the examination of these, you neglect the real seat of the disease, which is in the blood, from the corruption of which these appearances have their rise. The wisdom of Government ought to be applied and exerted, not so much to the cure as to the prevention of the disease. It ought to have the sense and the penetration to anticipate consequences in their causes; — to see them in their approach, and to ward off, by seasonable preventives, the impending blow. This is the true duty as well as the virtue of govern-

ment; and it is in the exercise of this salutary wisdom that it is able to give security and happiness to the governed. Let us then, in this inquiry, go into the whole of this important business. Let nothing be concealed; but let us trace the conduct of those subordinate governments from the date of the last charter to the present hour: and let us enter on this inquiry with a determined spirit to screen no delinquent from punishment, however high; to persecute no innocent man, however unfortunate. What will be the consequences of this conduct? You will re-unite the nations that surround you in bonds of trust and friendship. You will shew your own servants that nothing but the faithful discharge of their duty can recommend them to reward, or secure to them the enjoyment of the fortunes they may acquire. You will teach the people that live under you, that it is their interest to be your subjects; and that, instead of courting the French, the Dutch, the Danes, or any other state, under heaven, to protect them, they ought only to be anxious to preserve their connection with you; because, from you only they had to expect public proceeding, public trial, public justice. Do this, and you give a necessary example to your servants; you give happiness to your subjects; you give confidence to your neighbours; you give despair to your enemies. Europe would stand astonished and awed by your conduct. They would see a system of government formidable from its purity, permanent from its use. In all justice, as in all government, the best and surest test of excellence, is the publicity of its administration; for, wherever there is secrecy, there is implied injustice. When the eyes of men went along with the judge, when they could see and investigate the procedure, then the justice was complete. Even in the awful judgment of the world, at the last day, we are taught, in the scriptures, that God will condescend to manifest his ways to man. His judgment will be public. What, then! shall poor, finite, limited man, incumbered with passions and prejudices, presume to judge in secret of man, when his Almighty Parent declares that even his ways shall be public and open! We are called upon by every argument of morality and of policy, by every precept of religion and of duty, to make that justice, which we reverence, as public as the noon-day sun. It has been the sentiment and the sense of all ages. "Let me fight with Jupiter," says Ajax, "but give me day-light." Let me have condemnation or let me have acquittal in the face of day. The acquittal that is secret cannot be honourable;

able; it leaves a stain even upon innocence. The condemnation that is secret cannot be just; it leaves a prejudice in favour of the criminal injurious to the tribunal by whom he was tried. The members of this Committee must be pained at the idea of their being forced to sit in judgement, and to acquit or condemn in private. He had been for some weeks engaged in a Committee up stairs, which was open; and it had been the greatest consolation to his mind that it was so; since in judging of the conduct of the judges in India, he knew that he was acting in the face of men, and that his behaviour was known to the world. But what must have been his disquietude and anxiety if he had been appointed by that House to judge and determine in the dark? At the same time the very secrecy itself would be destroyed in the end; for in case of a report being made by this Committee, which should induce the House to charge members of that House with high crimes and misdemeanors, and impeach them before the Lords, or move an address for their trial in the courts below, the House would think it necessary, before their agreement with such a report, to call for all the proceedings of that Committee, and consequently all the secrets must come out. There, therefore, could be no reason for a Committee of secrecy; a Committee of selection it ought to be, and such he most earnestly recommended to the noble Lord; and called upon him, by every argument of policy and prudence, of liberality and of justice, to adopt the latter.

The *Secretary at War* (Mr. Jenkinson) contended, the honourable gentleman had mistaken the object of the proposed inquiry; for it was not a judicial one: it was not meant that the Committee should decide on the conduct of any man, much less proceed to punish; their business would be simply to report facts, without giving any opinion upon them; and if those facts should appear to the House as grounds of accusation against any individual, he would then have an opportunity of defending himself, and the proceedings against him would be public. It would even be the duty of the members, when they went into this Committee, to presume that no man was guilty, and through the whole of their proceedings to confine themselves simply to facts. As to what the honourable gentleman said, in respect to proceedings in the dark, could not be applicable to this Committee, for their proceedings would all come out in the end, if any suspicion should arise to induce the House to call for their minutes; therefore, the honourable gentleman's objection to secrecy was removed; and as unquestionably a committee

The Secretary at War.

committee of the nature proposed, could proceed with greater dispatch than any other, it was evidently on that account to be preferred.

Mr. Fox.

Mr. Fox said, that if he had any doubts before, whether his honourable friend was right in opposing a Committee of secrecy, those doubts must have been removed by the honourable gentleman who spoke last; it clearly appearing that the very nature and duty of the proposed inquiry had been entirely misunderstood, and consequently the execution of it was not likely to prove very satisfactory, if it was not under the controul of the public eye. The honourable gentleman had said that the Committee was only to report facts; very true; but those facts, it should be remembered, were causes. The motion said that the causes of the war in the Carnatic were to be inquired into; now in stating facts of that kind, it was rather difficult not to give an opinion along with them. If the noble Lord would consent to an inquiry he had talked of the other day, (into the causes of the American war) and would let him have the naming of the secret Committee, as his Lordship would no doubt have of that now in question, he would undertake that nothing should be reported but facts in the honourable gentleman's acceptation of them: and yet the noble Lord would not be inclined to have them received for such, he would rather call them mere opinions; for instance, perhaps they might report that the causes of the American war were the influence of the Crown and the corruption of Parliament: or perhaps the obstinacy, the impotence, or the treachery, of Ministers. In that case, his Lordship and the honourable gentleman would both be inclined to think the Committee had given along with the facts they were to inquire about, opinion and accusation too. It was true, indeed, if the proposed Committee should judge of causes as the noble Lord, in his simple and ingenious style of reasoning, sometimes did; nothing but facts would, in all probability, be reported, for they would only inform the House that Hyder Ally was the cause of Hyder Ally's invasion.

The honourable gentleman had said that the Committee was to presume that nobody was guilty; a very strange presumption indeed that would be; our settlements in the East Indies were reduced from a most glorious state of prosperity, almost to ruin, and yet nobody was in fault! Natural causes only had produced such melancholy effects. This was an idea he was not surprised to find entertained and professed by the honourable gentleman; for it was evidently his interest, and that of his colleagues in Administration, to make the world be-

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lieve if possible that a mighty empire might be torn to pieces and ruined, yet nobody be in fault; this was peculiarly their interest to-day, when it must be remembered that in the last week this country met the completion of her disgrace; that the last Tuesday's Gazette proclaimed our degradation to the world.

Here the House appeared astonished, and anxious to hear the honourable member explain himself. He took notice of this, and said, he alluded to the prohibition of our fleets to attack the French in the Baltic. He declared that the proclamation, contained in the Gazette of Tuesday sevensnight, did absolutely abandon the great boast and pride of the nation, the empire of the seas. It gave up not only all claim to the pretended sovereignty which we enjoyed, but also in part acknowledged a superior power in a particular sea. This he considered as the death stroke of our naval grandeur and importance. From that moment we became an humbled and circumscribed empire. In that proclamation our ships of war are directed not to fight with any of our enemies in the Baltic. Whatever may be the provocation, whatever may be the danger or the necessity, they must not dare to fight in that sea, because it is disagreeable to the Empress of Russia. We are the only state, of all those that are at war, who have condescended, or who have been forced, to make this submission.

Upon this a whisper went round the treasury-bench, which Mr. Fox observing, declared they were inquiring for the contents of the Gazette. It was rather extraordinary that Ministers did not know what was published by their own authority; but, from the completion of Gazettes, he concluded it was a paper too libellous and calumnious for their reading; and, therefore, gentlemen did not take it in, or know any thing about it.

He must now take notice of something that fell from an honourable gentleman who spoke early in the debate, concerning his motive in coming into Parliament; they were undoubtedly very fair and honourable ones; but he was a little mistaken, in supposing, that the noble Lord thought nothing of a single vote. To convince the honourable gentleman of this, he would tell him an anecdote of a secret Committee, something similar to that now proposed, of which he had the honour to be a member. He said, he had eight years ago not been a little concerned in business of somewhat a similar nature to what would now be the object of inquiry; and that in the debates upon the supposed wealth of a noble Lord, now no more, the late Lord Clive, that noble Lord was accused of
 • peculation.

peculation. At that time from the inquiry, he, for one, was induced to think that the noble Lord had possessed himself of 260,000*l.* in an improper manner, and that he ought to refund it. In this opinion he was strenuously supported by the noble Lord in the blue ribband, and another person, whose situation at the time made his conduct particularly laudable and becoming, (the person he alluded to was the present Lord Chancellor, who was, in 1773, Attorney General); he was supported also by the present Speaker; and yet with all the weight and power of this assistance, the noble Lord, who was accused, found means to render their endeavours to make him an example fruitless; and what was still more extraordinary, the very same Lord of the Treasury, who had joined him in endeavouring to obtain justice against Lord Clive, in a very short time afterwards raised that noble Lord to one of the highest confidential honours the Crown could bestow, by appointing him Lord Lieutenant of a county; and Lord Clive, who had, for a long time before, been in the habit of opposing Administration, voted with them, and brought all his connections with him, to vote for them ever afterwards. After stating these facts, Mr. Fox was wonderfully pleasant on Lord Clive's joining Administration, declaring, that he could account for it no other way, than by supposing that it arose from that noble Lord's pity for a Ministry, which he saw was so extremely weak, that it could not even carry a question of justice against him; and, therefore, he threw the weight of his influence and all the support he could give into its scale, with a view to strengthen it.

The above inquiry furnished also a very convincing proof of the inefficacy of inquiring in that House when His Majesty's Ministers intended it to be a mockery of justice. They began it with the view of imposing on the people, while they were secretly employed in screening and protecting the men whom they publicly blamed. Such would always be the nature and the end of inquiries when they were conducted with secrecy. He, therefore, most earnestly recommended a select Committee as the only means by which substantial justice could be obtained, and by which the affairs of this country in India could be in any degree restored to their former state.

Gen Smith. General *Smith* said, that he believed the state of our affairs was such in that quarter of the world, that the noble Lord must not dare to trifle and sport with the public. We were now in the very last crisis of our fate, and the existence of our territories in the East must depend on the spirit and the policy

policy of the measures which were now to be pursued. It was for this reason that he wished to see the inquiry extended to the Mahratta war, and to all the conduct of the presidencies since the establishment of the last regulations.

Mr. *Dempster* rejoiced at the approaching inquiry, but recommended it to the noble Lord not to make a bargain with the Company for the renewal of their charter for any length of time just at this crisis, which he described as a most unfit season for it, but to continue the exclusive trade for another year by a short bill. He said, the territorial possessions of the Company, as well in the North as in the South, tottered to their foundations just now; it would be equally injurious to the Public and the Company, therefore, to demand a large sum of money from them, while the state of their affairs was so unsettled.

Lord *North* rose to reply to Mr. Fox. His Lordship began by saying, that if the Committee should find upon inquiry that the war in the Carnatic was owing to the rapacity of Hyder Ally, or the avarice of any of the Company's servants, they would undoubtedly say so; but if they were to mix opinion with their report; if they were to go farther, and enter into an investigation and arraignment of the conduct of particular persons, they would exceed the powers given them by his motion: all that he conceived to be their duty, was, to report that they had examined such and such witnesses, read such and such papers, treaties, &c. and so on; and upon that report it would be the business of the House to proceed; therefore, he could not agree that they were to report opinions. With regard to the secrecy of the Committee, he repeated it, that the only reason for his wishing the Committee to be a secret one was, that he conceived the business might be done with much greater dispatch, and the reason why he had not extended his motion, in the manner the honourable gentleman, who spoke last but one, had stated, was, because he wished to point the inquiry at so much and no more of the affairs of India as would justify a reasonable hope that it might be completed and reported in a moderate compass of time; it was not that he did not think the affairs of any other district of India besides the Carnatic worthy of notice; on the contrary, he thought the affairs of the Bengal government and of every other part of India called for inquiry, but he meant to take them up one by one, for the sake of greater ease and accuracy; and, considering the importance of the late transactions in the Carnatic, that dis-

trict offered itself as the first and fittest ground of inquiry. With regard to what the honourable gentleman who spoke last had stated, as to this being an improper time to make a new bargain with the Company, he could not help differing in opinion. Undoubtedly it was an improper time to expect a large fine as the price of the renewal of the charter; but he conceived it would be of essential service that it should be known abroad, that matters were settled in a more permanent manner between the Company and Government than by a short bill, from year to year only. In answer to what Mr. Fox had said about the Gazette and the proclamation, inserted last Tuesday, his Lordship declared, the northern powers had long since publicly asserted their resolution to preserve the peace of the Baltic, and that this nation had been materially benefitted by their adopting that measure. The preservation of our own interests, therefore, required, that we should prevent the violence, imprudence, or rapacity of the captain of any privateer, or letter of marque, from violating the resolution of the northern powers. As to the honourable gentleman's charges against the Gazette, as a paper not to be depended upon, he desired the honourable gentleman, or any person, to prove that Government had at any time published what was untrue in the Gazette; extracts of letters they had given; but every gentleman must be aware, that during a war, extracts only could be printed of several of the letters received from His Majesty's officers commanding abroad.

Mr. Fox.

Mr. Fox ordered the motion to be read; it turned out that they were not only "to inquire into the causes of the present war," but also directed, in the conclusion, "to report their observations upon it." The honourable gentleman, in an admirable vein of satire, exposed and ridiculed the noble Lord for not understanding the motion which he had made; and for saying that men could ascertain the causes of the war without exercising an opinion. He concluded, with moving an amendment, by leaving out the words "of secrecy."

Mr. Burke.

Mr. Burke seconded the motion, and pursued the same admirable vein of ridicule. He said, that now the noble Lord understood his case, he would certainly comply. He had been like a lawyer, he had spoken from a brief which he had not previously perused. It was often his misfortune to be obliged to defend measures which he did not advise; but

now

now the appeal was made from Philip sleeping to Philip awake, he trusted he would adopt the amendment.

The noble Lord, he said, proved the necessity of abandoning a Committee of secrecy, and proposing one that should act under the inspection of others; for as he had misreported his own motion, how could he, if he should be one of the Committee, fairly report their proceedings? In short, he said, the predicament into which he had brought himself was this; he had attempted to impose upon the House, and on the world, a mode of inquiry by which there would be a mockery of justice; and when the fallacy of this is detected and exposed, he flies to subterfuge, and endeavours to misrepresent what he can no longer maintain. Such, he said, would always be the wretched resource of weak art.

Mr. *Strachey* rose and said, he must take the liberty to say Mr. Strachey. a few words, in consequence of an assertion which had fallen from an honourable gentleman (Mr. Fox) on the other side of the House; an assertion made with great inaccuracy, and, he thought, with more illiberality; for he had asserted, that the select Committee, which sat eight years ago upon India affairs; which sat (as he, Mr. Fox, with great propriety expressed himself) in vengeance, had accused the late Lord Clive of peculation; whereas the fact was, the Committee made no such accusation, nor could they, for the power was not given to them; they had not power to report even an opinion to the House; some members of that Committee had, indeed, in their declamations, accused the noble Lord of peculation; the Committee itself never did; the Committee thought proper to inquire into the fortunes acquired by individuals in India, they inquired into the noble Lord's acquisitions; and in order to obtain the knowledge of them, put the question to himself: his fortune had been honourably acquired, and was openly avowed; he scrupled not to declare the amount to the Committee: after the Committee had closed their proceedings, and reported them to the House, the chairman of that Committee (General Burgoyne) proposed to the House a resolution, levelled at Lord Clive, and which was intended to be followed with censure and confiscation of property. But he was defeated in the attempt, and the House of Commons, with great honour to Lord Clive, and perhaps with greater honour to themselves, passed a resolution, declaring, that at the time he acquired his

fortune, he had performed "great and meritorious service to his country."

Mr. Fox.

Mr. Fox rose again, and said, that he had not in what he had said endeavoured or meant to throw any reflection on the memory of Lord Clive. He had not said that the noble Lord was convicted of speculation by the House of Commons. He had barely stated a fact, that the Committee appointed to inquire into his conduct made a report to the House, by which he was said to have acquired a fortune of more than 260,000*l.* contrary to the laws of the Company; and they ordered their chairman to move a question of censure; to which question of censure the Minister pretended to give his consent, but the Minister's friends were of a different opinion, and a question of praise was substituted in its stead. This was the fact which he had stated, and he had accompanied it with another, which was, that after having approved of the motion of censure, the Minister had bestowed upon Lord Clive one of the most ancient dignities in this country.

General Burgoyne.

General Burgoyne also rose, he said, in consequence of the insinuation contained in the honourable gentleman's speech, which meant to imply that he had, as chairman of that Committee, made a motion, in which he was not warranted by report, or by the sense of the Committee. If this was what the honourable gentleman wished to infer, he must inform him that he had hazarded an assertion in which he was unfounded. He had, as chairman of that Committee, followed their express directions; and those directions were given in the regular mode and practice of Committees acting under the orders of that House.

Mr. Strachey.

Mr. Strachey said, he did not mean to say that Mr. Burgoyne had acted extrajudicially.

The question was now called for, when the House divided on the amendment. Ayes 80, noes 134.

The original motion was then carried without a division.

May 1.

The House agreed with the Committee of supply on the report, that a sum, not exceeding 117,608*l.* 6*s.* 8*d.* be granted to His Majesty, for defraying the charge of eighty independent companies of foot, to be raised from the 25th of March, 1781, to the 24th of December following, being 275 days.

That a sum, not exceeding 6010*l.* 3*s.* 9*d.* be granted to His Majesty, for defraying the charge of additional companies, and additional to the embodied militia in South Britain, including clothing for the year 1781.

That

That a sum, not exceeding 8,452l. 4s. 8d. be granted to his Majesty, to make good a deficiency on the pay of additional companies, and additional to the embodied militia in South Britain, including clothing for the year 1780.

That a sum not exceeding 1,170l. 16s. 4d. be granted to His Majesty, to make good a deficiency on the sums voted in the last session of Parliament, for defraying the pay of the two battalions of Lord John Murray's regiment of foot, for the year 1780.

May, 2.

Mr. Ord brought up the report of the scrutineers of the ballot for the Committee of secrecy, appointed to inquire into the causes of the war in the Carnatic, which was read by the clerk at the table, as follows :

Robert Gregory, Esq.	-	-	249
Sir Adam Ferguson, Bart.	-	-	161
Lord Advocate of Scotland (Mr. H. Dundas)	-	-	160
Mr. Secretary at War (Mr. Jenkinson)	-	-	160
Richard Jackson, Esq.	-	-	160
Attorney General (Mr. Wallace)	-	-	158
Solicitor General (Mr. Mansfield)	-	-	157
Right Hon. Lord Viscount Lewisham	-	-	157
Thomas Ord, Esq.	-	-	156
Archibald McDonald	-	-	151
Hon. George Augustus North	-	-	149
Hon. Philip Yorke	-	-	146
Hon. Thomas De Grey	-	-	145
Right Hon. Welbore Ellis	-	-	143
Sir George Howard, K. B.	-	-	143

Lord North then rose, and moved,

"That any five or more of the fifteen make a Committee." Lord North.

Mr. Thomas Townshend reminded the House, that in the Mr. T.
Townshend. course of his speaking upon the subject before, he had suggested his hopes, that in a business of so much importance, there would be nothing of party attempted, but that the Committee would be composed of persons of every description, and from each side of the House. At the time he said this, a veteran head was shaken at the end of the treasury-bench (Mr. W. Ellis) which immediately blasted all his hopes, and put an end to his expectations; from the completion of the list just read over, he was now fully convinced that he had not been wrong in his conjectures; for exclusive of the honourable gentleman, who stood at the head of it (and whom the Minister had not the modesty to pass by) and the representative of

of Cambridgeshire, who was a very young member, the whole list was composed of the tried friends of administration; men on whom the noble Lord could depend. So that he fairly owned he had now no hopes of its producing any good. It would be like all the former inquiries: it would end in disappointment, and would shew that the noble Lord did it only to deceive the nation. It had been his wish, that the committee should be a fair one, and he had offered, if the noble Lord would consent to choose any four of the gentlemen with whom he had the honour to act, that he would agree that eleven others should be added to them of the noble Lord's nomination, but this proposal was rejected; he hoped, therefore, since it had been made a party matter, and the noble Lord had chosen not to trust any but his tried friends with the conduct of the inquiry, that they would, from regard to their own credit as a party, take care that their proceedings were such as would bear examination, and answer the end which the public looked up to with anxiety and impatience. If they screened one set of men, and punished another, just as should best fall in with the views and desires of the Minister, they would merit, and they might depend upon it they would meet with, public condemnation and public odium. And when he said this, he could not help owning, that he felt some little alarm on considering that the noble Lord had insisted on its being a secret committee, and on confining the inquiry to a particular district of India, opposing every argument that had been offered to induce him to extend it to Bengal, though the wars in that presidency, and the measures adopted at Calcutta, were asserted by every gentleman, competent to speak on the subject, to have been the main spring and original cause of all our disasters in India. Besides, what added to his jealousy was, the recollection of all the Minister's transactions at the India House, and what had passed on several occasions. In particular he recollected a story, which was in print, and had never been contradicted to his knowledge; and this was, that the agent from the nabob, who came over here some years since, had offered a considerable sum to the Minister as a present from the nabob. Though he had the honour to be on very civil terms with the Duke of Grafton, he had never had an opportunity of asking his Grace whether the story was founded or not; but as it had never been contradicted, he took it for granted it was, and he was the rather confirmed in this, from recollecting that the nabob's agent could

could not, at the time, have got a seat in Parliament, but by being nominated to a borough by the Minister.

From the mention of this, Mr. Townshend went into a complaint against the extension of the influence of the nabob in this country; and said it was reported, that the nabob had several members in that House; if it was true, that by sending a sum of money over to England, he could seat eight or ten members in that House, they were become the abject, the most contemptible, set of beings in existence, worse than the lowest scum of the earth. He also complained of the withholding the writs at the general election, and said he was then down in Wiltshire and Hampshire, attending his own election in the latter county; and that all the writs for the county of Wilts were withheld for a considerable time, and he believed were in the hands of the nabob's agent, Mr. Paul Benfield; the very man, for whom the Ministers had gone themselves, and forced every clerk in office to go, to the India House to ballot, in order to prevent an inquiry from taking place on the grounds of several charges of misconduct in India. Mr. Townshend grew warm on this point, and said it was from the Minister's screening delinquents, when they came from India, that all the evils in that quarter of the globe had originated; and if matters were suffered to go on there as they had lately been conducted, odious and abhorrent as the conduct of the Spaniards on their first discovery and conquest of America had universally been held to be by every writer who had treated upon the subject, still more odious and more detestable should we, as a nation, be looked upon for our conduct in India. After descanting for some time on this, Mr. Townshend went back to the subject of the ballot for a secret committee, and said he could not help remarking, that when the committee of scrutineers were appointed, the noble Lord in the blue ribband was remarkably vociferous in nominating his own friends, and was also nominated himself, which struck him as very extraordinary; the committee of the preceding day being, he believed, the first committee of scrutineers that ever had the honour of a blue ribband in it. Another circumstance, which he thought liable to some suspicion, was, that three members of Parliament, who went into the room where the scrutineers were examining the ballot, were, he understood, turned out; on this occasion, he would mention names; the gentlemen he meant therefore were, Sir Harbord Harbord, Sir William Guise, and Sir Robert Lawley; men not remarkable for

for the turbulence of their temper, nor very likely to have given the committee of scrutineers any great interruption; he could not help saying, that this, with other circumstances, conspired to create a doubt of the good that would ensue from the committee; and in particular, he said, it reminded him of a story he had once heard. A man, named Jonas, whose profession, he believed, was pretty generally known to the House, was down once at a public watering-place, and happened to walk into a room where some persons were playing at hazard; Jonas continued a looker on for some time, and, as it appeared afterwards, was a closer observer than the persons at play liked; for, when he went away, a waiter was dispatched after him, to tell him, that he must not go into that room again. Surprised at this message, Jonas asked, if he had given any offence to either of the persons who were playing? He was answered, that he had not, but that they did not choose any should look on but those who played the same game with themselves. This seemed to have been pretty much the case with the committee of scrutineers. Before Mr. Townshend sat down, he repeated his hopes, that the committee would not become the pliant tools of the Minister, and aim at carrying his wishes into practice, by screening his friends, rather than do strict justice, by bringing the guilty, or those who should appear to be guilty, be they whom they might, before the bar of the public.

Mr. Ord.

Mr. Ord rose to state, that not being aware that the committee of scrutineers was an open committee, he had, on observing the three members (mentioned by the honourable gentlemen) in the room, while the committee were scrutinising the ballot, publicly asked if it was right that they should be present; on which they withdrew; but on his being informed that it was an open committee, they were called to, and requested to come back. Mr. Ord said he thought it right to give this explanation, in order to rescue the committee of scrutineers from blame, because if any blame were due, it were due to him alone.

Sir P. J.
Clerke.

Sir Philip Jennings Clerke condemned the secret and select committees that had been chosen in 1772, and the result of them; charging them with having done no service to the public, and ascribing all the evil consequences, that had followed them to the Minister's interference in appointing them. In like manner he said, the Minister was acting now; for he had seen clearly, that those, who generally voted with administration, had been complaisant enough to ballot for what

what was called the treasury list. Sir Philip said, he differed from his honourable friend, with regard to the having the secret Committee consist of four of their friends, and eleven friends of the Minister's; he had rather, as the case was circumstanced, have the whole Committee of the latter's appointing, because he did not wish that any of his friends should share in the guilt; for if the result of the inquiry was such as he expected, he must of necessity be obliged to consider any of his friends, who were in the Committee, as *participes criminis*.

The *Lord Advocate* (Mr. Dundas) said, it was not his intention to have spoken to the motion, but some matters had fallen from the honourable gentleman who spoke first in the debate, as well as the honourable gentleman who spoke last upon which he was not disposed to sit in silence. And first, with regard to the honourable gentleman who spoke last, all that he had said relative to the appointment of the select and secret Committees which sat some years since, and of their proceedings, was founded on a total want of recollection of the facts to which the honourable gentleman had referred. Those Committees were not appointed by the Minister, nor had they acted under his influence, and nothing was more true than that they had done as essential services to their country as any Committees that ever were chosen. But he was a little surprised to hear the honourable gentleman charge the Minister with blame on the ground of the proceedings of those Committees, because it had been stated no longer since than on Monday last, and that, by an honourable gentleman, not remarkable for allowing the noble Lord in the blue ribband more credit than was fairly due to him, that the noble Lord had taken an active part against the supposed delinquent, Lord Clive, and was one of a very small minority in a division on a motion to treat that nobleman with some degree of rigour. The fact, however, was as he had stated; the honourable gentleman had altogether forgot the whole business of those Committees, and had talked of the proceedings of the one as the proceedings of the other, and had totally confounded what the last did with what was done by the first. So much, therefore, for that honourable gentleman's argument; with regard to what the other gentleman had thought proper to insinuate about the Committee just chosen, as if they were likely to screen one set of men and punish another, just as the Minister pleased; however, the honourable gentleman might think that sort of language would render him choleric, he did as-

The Lord
Advocate.

sure him, it occasioned sensations of a very different nature in his mind. As one of the Committee, it would not become him to speak prematurely upon the head of what they should do; thus far, however, he might be permitted to go, namely, to express his firm belief, that in the course of their proceedings they would act up to their characters, and do nothing but what became them as men of honour. At the same time he could not but observe, that it was neither civil to the gentlemen themselves, nor perfectly parliamentary, for any honourable gentleman in the course of debate to throw out imputations against them, which no man breathing would dare to insinuate without doors, and which no one gentleman would presume to make to another, in any other place but in that House. What was there in any of the characters of the gentlemen chosen upon the Committee, that justified the idea of their being likely to do an act of injustice to please a Minister, or to please any other man living? Or, what reason could any honourable gentleman urge in support of an insinuation so disgraceful in its nature, as an insinuation that they would not conduct themselves in the Committee with a strict regard to the principles of honour? The object before them was of the first importance to the country, and the moment of their inquiry extremely critical; was it likely then that any gentleman could be so totally lost to all regard to his own character, should so entirely forget what was due to the public, and what was due to himself, as on a subject and at a time so uncommonly interesting, to suffer himself to be biassed or blinded by any prejudices or any connections whatever. If there were any such, and if it should hereafter appear that the Committee fell under this description, he was as ready to own as any gentleman on the other side could be, that they would be the most infamous of men, and that they would deserve to be branded with infamy by every rank and order of people. At that moment, the Committee, not having proceeded any one step, they were as pure as the children that were unborn; that, he presumed, would readily be admitted, and though he was aware that every part of their conduct would be strictly watched, and examined with a jealous eye, though he was certain their efforts were likely to be misconceived, and in all probability studiously misrepresented, he trusted that they would proceed boldly and firmly in the business, that a majority of that House had chosen them to transact, with a rooted contempt for all misrepresentation and obloquy that could be thrown on them,

and at the same time with a determined resolution to screen no man, but to report the truth, let it tend to criminate whom it would.

The learned Lord, after this, said, he had taken no part in the debate of the other day ; but, as he was up, he would say a few words on the argument respecting the Committee's being a secret one ; and as he liked to speak his mind explicitly, he made no scruple to avow, that he preferred a secret Committee, on the present occasion to an open one, being convinced, that much good might be expected from a Committee constituted as the present was, and, at the same time, pretty sure that no business whatever, that would have produced beneficial consequences, could have been done by an open one. In order to explain his reasons for entertaining this opinion, he said, the Committee would, of course, have a variety of papers submitted to their inspection, to which they were strangers, and, therefore, would have, as it were, to find their way in the dark upon the business : in the execution of a task of this nature, a variety of suspicions would arise in the different minds of the different members, which it would be highly necessary they should communicate to one another, in order to come at the truth ; that it would be extremely improper for five hundred witnesses to listen to such conversation, by which many parts of what was said would be published next day in the newspapers, and injuriously and falsely commented upon. And this argument, so far from its being weakened, in consequence of the probability that the result of their proceedings might tend to criminate any individual or any set of men, was, in his mind, much strengthened from that consideration ; for what could be more injurious than that the conduct of an individual, which was likely to become the subject of a judicial examination and trial, should in any degree be pre-judged. From the very nature of the case, if considered in that point of view, common justice required that the proceedings of the Committee, like the proceedings of a grand jury, should be secret, and not known till they had made a report, which being the result of their whole inquiry, would consequently be a fair state of facts.

Sir *Philip Jennings Clerke* said a few words in explanation of his former speech.

Sir P. J.
Clerke.

Mr. *Byng* asserted, that every argument advanced by the learned Lord applied rather to an open than a secret Committee. Mr. Byng asked how the Committee was to be watched when they proceeded secretly ? To watch them was

Mr. Byng.

what he wished, and, therefore, he had desired that the Committee might be an open one.

The Lord
Advocate.

The *Lord Advocate* said, when they made their Report, every part of it, he was aware, would be strictly scrutinised and examined, which was what he meant by the Committee being sure to be watched.

Mr. Turner.

Mr. *Turner* made a short speech, after which the motion was put and carried.

It was then moved and agreed to,

“ That the Committee have liberty to call for and inspect books and papers belonging to the Company.

“ That the Committee have liberty to adjourn, from time to time, and from place to place. And

“ That the Committee have liberty to sit, notwithstanding the adjournment of the House.”

As the public curiosity was very much excited with regard to the conduct and result of this inquiry, we took the first opportunity of laying before our readers the two Reports which were made by the Committee, and which were ordered to be printed for the use of the members. These Reports are inserted in page 1 to page 136 of this volume.

The Solicitor
General

The *Solicitor General* (Mr. Mansfield) then acquainted the House that he had a proposition to make, which he held to be very necessary for the support of religion and morality. A practice, he said, had of late obtained, of opening places of amusement on the Sunday; some were held out as places of mere amusement, others as places of instruction, where religious questions were agitated. Of the first description was Carlisle-house; where, for the seeming purpose of walking, and drinking tea and coffee, persons abandoned to all sense of shame, of decency, and religion, made it a point to resort. These persons professionally invited the public to immorality; virtue was undermined, and religion was of course sacrificed to vice. In the places set apart for debating religious questions, religion was trampled under foot by ignorant people, who wished to acquire a reputation for eloquence in an assembly composed of the low, the vulgar, and the illiterate. He read two advertisements, the one for a Theological Society, in High Holborn, where the existence of the Trinity was the theme proposed for discussion; the other for a Theological Academy, at the Museum, Spring-gardens, for bringing forward a dissertation about the existence or non-existence of purgatory. He left it to the House to determine, whether it was likely that religion or morality could be promoted in
such

such assemblies. Complaints, he said, had been made to several of the bishops; and they would have brought a bill into the Upper House, for restraining such assemblies, if they had not been prevented by the rules and practice of the Lower House, which would not content that any bill for levying money on the subject should originate in the House of Lords; and a bill of this nature would be deemed a money-bill; because it was to operate by fine. He then moved for leave to bring in a bill for preventing certain abuses and profanations of the Lord's day, commonly called Sunday. He just observed, that if the House should think it proper to restrain such meetings as he alluded to, it would be necessary to pass an act for the purpose, as no law existed at present by which they could be prevented.

Sir *William Dolben* seconded the motion; because he was convinced, he said, that those assemblies were inimical to religion; for in those meetings he understood, that most of those who knew how to speak at all were freethinkers, and consequently against, not for, religion. Sir William
Dolben.

Mr. *C. Turner* was exasperated at the idea of bringing in a bill, which, in his opinion, was little better than introducing an inquisition in religion. What had a man to do with the religion of his neighbour? It was acting between him and the Deity; and no earthly power ought to interfere between them. King William had disgraced himself by intolerance, or tyranny in religion; this was a blot in his escutcheon; and he would declare it, though he wore his buttons. Mr. C.
Turner.

Our religion, he said, was good for nothing, if it would not bear discussion and inquiry; the more it was examined and investigated the better. Mr. Turner pursued this argument some time, and said, no person in the kingdom, nor in the world, had any thing to do with religion; it was a matter between a man and his Maker, and did not depend on any earthly potentate, nor on any priest, let him be of what description he would. He took occasion, also, to ridicule learning, that sort of learning which the schools so much admired, and which studied argument more than truth. He said, it did more harm than good; a learned man, in the parliamentary sense, was he who could best puzzle a cause and mislead plain men, and delude them out of their senses. Those men with black gowns and great wigs who sat on the right and the left of the Minister, and who were generally ready to take either the right hand or the left of a cause, were called learned men; and he had no scruple to say, that,

on observation of their conduct, he considered them as the greatest enemies of the constitution. He would have no objection to see the House rid of them, although it might again receive the name of *Parliamentum indoctum*. He concluded with conjuring the House not to blast the Protestant religion so much as to accede to the motion.

George
Yonge.

Sir *George Yonge* disapproved the practice of advertising religious questions, as well as the learned gentleman; but still, as he had not produced a single proof that any mischief had arisen from it, he ought not to expect that the House would proceed to restrain meetings, which no proof had demonstrated to be irregular. He then asked if there were not laws already in being for restraining irregularities on the Sunday?

Mr. Solicitor
General.

Mr. *Solicitor General* replied, that evil had not yet taken sufficient ground to produce much mischief; but if it was suffered much longer, it would, perhaps, be a very difficult matter to root it out. With respect to laws, already in being, if a man should speak against the existence of a God, or against the Christian religion, he certainly could be punished at common law, by statute; but then in an assembly, consisting of persons unknown, it would be difficult to find out the offender, and bring him to justice. But with respect to the advertising such places, and taking money for admission, there was no law, that he knew of, to restrain it.

Mr. Rolle.

Mr. *Rolle* informed the House, that led by curiosity, he had attended some of the places alluded to, and had been a witness to indecency and irregularities that were a disgrace to religion. He had complained of these assemblies to the bishop of London's secretary, as he had not the honour of knowing his Lordship; and he understood that the reverend prelate was ready to contribute every thing in his power to suppress them; for his own part, he assured the honourable gentleman, that he would give him every support in his power to accomplish the suppression of meetings, which could not exist without a violation of religion and morality.

The question was then put; and leave was given to bring in the bill.

May 3.

The business of the Honiton writ of election was received, and Mr. Antony Bacon was examined in his place respecting his conduct in sending it down.

Sir George
Yonge.

Sir *George Yonge*, as a ground of future proceedings, moved, "That there has been delay in sending down the said writ;" and

the

the motion after a long opposition, in which Lord North took a part, was resolved in the affirmative. Ayes 50, noes 42; in which the Minister was left in a minority.

Mr. *Burke* gave notice that he would, on Monday seven-
night, move for an inquiry into the seizure of private property
in the island of St. Eustatia. Mr. Burke.

Adjourned.

May 4.

The House took into consideration the new bill, brought in for the better collection of the servants tax. Sir *George Yonge* moved an amendment, that instead of the clause, ordering Sir George Yonge that persons, who should fail to pay the tax, should remain in prison until they paid the same, there should be an amendment that such persons should be imprisoned only for one month: this was agreed to. Mr. Turner and Mr. Alderman Sawbridge complained of the clause, appointing prosecutions in case of failure or delay to be brought before the commissioners of excise. These decisions were burthenfome, and the trials, by being in the Exchequer, were expensive. To this it was answered, that the present bill had been framed on the model of the coach-duty bill, to the propriety of which the House had agreed, and against which he had not heard any complaints.

May 7.

The House went into a Committee of the whole House, to consider farther of the supply granted to His Majesty.

Mr. *Secretary at War* rose to move for the extraordinaries Mr. Sec War of the army. He stated, that upon the whole with the vote of one million, they amounted this year to the sum of four millions, four hundred and forty-three thousand, two hundred and seventeen pounds, nineteen shillings, and eight pence halfpenny. This was more than the extraordinaries of the last year by a million and a half. This difference was occasioned by one article alone, by the amount of the sums sent to America. This account amounted to no less than two millions, seven hundred and odd thousand pounds. This was more than the amount of the same article for the year 1779, which is the last account of extraordinaries, by more than a million and eighty hundred thousand pounds. The difference in this article was certainly very great, and it naturally arose from the larger number of troops employed, and from their employment being more dispersed and extended. The right honourable gentleman enumerated the several heads and services in the account presented to the House, with the
amount

amount of the sums appropriated to each. And having gone through this detail of figures, he concluded with moving, that the sum of 3,443,217l. 19s. 8d. halfpenny be granted to His Majesty, for defraying the extraordinary services of His Majesty's land forces from the 31st of January, 1780, to the 1st of February, 1781.

Lord North. Lord North rose, and took notice of the very considerable difference that there was in the amount of the sum transmitted to America last year, and the sum transmitted the year preceding. It was a difference for which, he confessed, he could not account; the draughts had been made and the money remitted, but at the same time representations had been frequently repeated, inculcating the necessity of care and œconomy. In this, as in every other department, there were men responsible for the expenditure and the appropriations of the sums transmitted. These gentlemen would undoubtedly answer for the difference; but though they would in the end be forced to give a full account, yet he did not consider that as a reason why the House should grant the money without estimate, and without inquiry. It was his intention, he said, to refer this matter to the commissioners of accounts, in the bill which he designed to move for on Thursday next. It was an object of very material concern, and it ought to be taken up immediately. Their inquiry and report would be the means of pointing out to the House the best mode of correcting an expence which had gradually increased to an enormous magnitude. The noble Lord had enumerated the several heads of service to which this money transmitted to America was applied.

Col. Barre. Colonel Barre entered into a short examination of this very extraordinary account, and pressed the matter on the consideration of the House. The idea that the noble Lord had of referring the account of the commission which he had established, was certainly better than to do nothing at all. He should think it his duty, when the noble Lord brought forward his proposition for renewing that commission, to move, that it should be brought to a constitutional establishment, by making members of that House the commissioners. None but a Committee of that House ought to be entrusted with the collection and the management of the public money. It was entrusted to that House by the people of Great Britain, and they ought not to abandon the trust, or to place it in other hands. If he failed in this attempt, which he had every reason to apprehend he should,
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he would submit with temper to the commission of the noble Lord;— thinking it better to have this than none; and believing, that as the members of it became familiar with the habits of business, they would still render more service to their country than they had done. The right honourable gentleman said, he could not enter into the detail of all the circumstances in this extraordinary account, which merited the attention of the House. He would confine himself to one matter; which, as it came within the right honourable secretary's own department, he supposed he could be more correct in. This was the article of provisions. In the year 1776 the sum charged was four hundred and odd thousand pounds for supplying the army in America. In 1777 it was four hundred and odd thousand pounds. In 1778 it was more than 600,000*l*. This was taken notice of; and it was accounted for by ministers in this manner: they said, that on account of the distance and the dangers of the service, they had sent eighteen months provisions out to America, instead of twelve, by which there would always be a store of six months in addition to the supply of the current year. This was the argument for the greatness of the sum; and it was admitted. In this year they now charge upwards of 800,000*l*. for this article of provisions for the year 1780. The right honourable gentleman said he had many reasons for believing, that the number of troops in America was not more than 30,000, though we paid for 83,000; and from the enormous amount of extraordinaries, it was an absolute fact that every soldier we had in America stood us in not less than a hundred a year, besides his pay. He adverted to the shameful practices and impunity of the commissaries, and the immense fortunes that were acquired in the course of two or three years in this department. He said the noble Lord was forced by necessity to come to explicit enquiries and correction. Even his majorities could not support him long with such extravagance; he threw out an idea, that it would be for the benefit of this country if the commissioners of accounts could call before them any gentleman that could give them information, of any kind, to assist them in their inquiries.

Lord North informed the honourable gentleman, that the provision he desired, in the new commission of Accounts' bill, was contained in the old one, for the commissioners were empowered to examine persons of all descriptions, as well members of that House as others: to prove this, his Lordship

read a clause of the act in question, which was found to give such powers as he described. With respect to the troops, he said, that though the number actually provided for was 83,000, nine months subsistence had been issued for fifteen thousand men in the West-Indies, and eight thousand in other quarters, which were not included in that amount. The number of men to be actually employed on the different services could not be certainly ascertained at the beginning of a campaign, but the commander in chief delivered an estimate to the secretary of state, computing how many would be wanted, and their subsistence was issued from the Treasury accordingly. With respect to the increase of the expences that might result from other causes, than a proportionate increase of numbers, as the operations of the army might be more expensive one year than another.

Col. Barre. Colonel *Barre* replied, that if eighty-three thousand men were to be provided for, it was necessary the public should be satisfied so many were actually employed; but he would maintain, as he had done formerly, that the number of effectives did not exceed forty thousand. He contended, that the increased expences could not arise from the cause assigned by the noble Lord, for the operations of last year were not near so expensive as that of a former one, in which we evacuated Boston, took Philadelphia, &c.

Sir George Yonge. Sir *George Yonge* found much fault with the account upon the table, and with this vague and irregular mode of accounting for the public money.

Sir P. J. Clarke. Sir *Philip Jennings Clarke* trusted that the committee would not think of passing the vote now moved for, previous to the inquiry which the noble Lord had declared he intended to be made into the account. It was irregular and unparliamentary thus to vote away the money of the people without estimate, without voucher, and without examination. He dwelt on the enormity of the expences incurred in America; and he particularly pointed out the extravagance of the transport-service. Under this head there was still a sum of between one and two hundred thousand pounds charged, although there had been full proof brought to the conviction of that House, that in the forming of those contracts at the Treasury there had been peculations, for the purpose of influence of a very shameful nature.

Mr. Robinson. Mr. *Robinson* explained the sum for the transport service to be an arrear, and not for the year 1780. The transport-service having been taken seven years ago into the management of

of the navy-board, and consequently the charge came under another account.

Colonel *Barre* said that this was a circumstance which he Co. *Barre*. had not attended to. It was very true, and therefore all the expence of the transport-service was to be added to the present account; which, taking it on the same rate as it had been in former years, that of 60 *per cent.* would swell the account of extraordinaries to the sum of 5,000,000*l.*

Mr. Alderman *Harley* felt himself called upon, as the per-M. Ald. son through whose hands the greatest part of the money in *Harley*. these estimates had passed, to give some account of its application. He therefore stated to the House, from a paper in his hand, a few gross sums, which formed the greatest part of the expenditure in question.

Mr. *Burke* jocosely observed, that the account just given Mr. *Burke*. by the right honourable gentleman was the shortest one he ever remembered to have heard for an expenditure so great; and he must allow him some credit for it; for next to accuracy and fidelity in an accomptant, he thought dispatch the most excellent requisite he could possess. Considering the large sums the right honourable gentleman swallowed, he must deserve admiration for the expedition with which he either digested or disgorged them; his charge and discharge were equally prompt; he was a kind of canal through which the profusion of government passed; but he supposed it did not flow off altogether, without contributing something to his substance. It had no doubt a fattening quality; or, to use a vulgar phrase, stuck to the ribs. After playing with this idea some time, with all that luxuriance of imagination that characterises this speaker, he attacked the proposed grant in general, as a contribution to support the American war. After a six years contest, and many millions wasted, we had got nothing but the information that nobody was in fault, and we were now contending, not for the dependence of America on the British government, but on that of France; for it was apparent that every measure that could weaken the Colonies without reducing them must tend that way.

He argued this point very forcibly a considerable time, and then descending more immediately to the question, suggested a doubt concerning one article in the estimates, on which he begged the secretary at war, or some other gentleman, would satisfy him. There was a very considerable charge for cavalry in America; now, from all he could collect, there could be no large bodies of horse there, but those

under Lord Cornwallis, and they could not be so very numerous as to justify a charge any thing similar to that on the table; he desired, therefore, to learn for what exact number of cavalry that sum was to be voted; and as he apprehended a considerable quantity of forage must be found in the country, which would reduce the expence, how much the returns of that forage specified?

Mr. Robinson. *Mr. Robinson*, in answer to these inquiries, said, that the number of horses, under Lord Cornwallis, including those which belong to the artillery, were 4000; and that the commissary had made a very pressing requisition for 50,000 quarters of oats, to be sent out immediately, as it was impossible to find sufficient provender in that country.

Mr. Burke. *Mr. Burke* rose again, and complained, that one of his questions had not been answered; he objected to the probability of 4000 horses being employed in the southern army, when it appeared from all accounts, that it had never mustered 5000 effective men.

The question was then put, and resolved in the affirmative without a division: also a grant of 4094*l.* for the charge of opening new roads and communications in the highlands of Scotland; after which the House was resumed, and adjourned immediately.

May 8.

Sir George Saville.

Sir George Saville rose, in conformity to the notice he had given, to move, that the petition presented by his colleague, some time since, signed by thirty-two names of respectable gentlemen, complaining of certain grievances therein alleged, and praying relief, might be referred to a committee; but before he offered his motion, *Sir George* said it would necessarily be expected that he should say something on the subject. In the first place then, as the petition had been full five weeks upon the table of the House, he hoped that gentlemen would not think he was extremely impatient, or bent upon teasing them, by desiring that something farther might now be done respecting it. As leave had been given to bring up the petition, and it had been ordered to lie on the table, he was at liberty to suppose that its object was approved of. Its objects were these: first it stated, "that this nation had been engaged for several years in a most expensive and unfortunate war; that many of our valuable Colonies had actually declared themselves independent, and had formed a strict confederacy with the ancient enemies of Great-Britain; that the consequences of these combined misfortunes had been

a large

a large addition to the national debt, a heavy accumulation of taxes, a rapid decline of the trade, manufactures, and land-rents, of the kingdom: that notwithstanding this calamitous and impoverished state of the nation, much public money had been improvidently squandered, and that many individuals enjoyed sinecure places, efficient places, with exorbitant emoluments, and pensions unmerited by public service, to a large and still increasing amount, whence the Crown had acquired a great and unconstitutional influence; which, if not checked, might soon prove fatal to the liberties of this country: and the petitioners farther shewed, that they, jointly with other freeholders of several counties, and electors of several cities and towns, in this kingdom, in the last session of the late Parliament, presented to the honourable House of Commons, an humble petition, requesting that some remedy might be provided by the wisdom of Parliament, against the extensive and unconstitutional influence of the Crown, and some stop might be put to the lavish expenditure of public money; and the petitioners begged leave to state, that the matter contained in the petition, so presented by them and others, was taken into consideration by that honourable House; and, on due and mature deliberation, the House resolved,

1. "That it is necessary to declare, that the influence of the crown has increased, is increasing, and ought to be diminished.

2. "That it is competent to this House, to examine into, and to correct abuses in, the expenditure of the civil-list revenues, as well as in every other branch of the public revenue, whenever it shall appear expedient to the wisdom of this House so to do.

3. "That it is the duty of this House to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House from the different counties, cities, and towns, in this kingdom.

"And the petitioners begged leave farther to state, that before that honourable House had effected that diminution of the influence of the Crown, and had provided an effectual redress of the grievances complained of in the said petitions, the said Parliament of Great-Britain was, by his Majesty's royal proclamation, dissolved."

After opening this, Sir George said, a petition, exactly similar in all its principal allegations, he had the honour of presenting from the county of York last year, when the

House had had been pleased, in some sort, to acknowledge the truth of the contents, and had come to the resolutions upon it, which were entered upon the journals, and were alluded to in the present petition. It would be right therefore to see if any thing had happened since, to render the present petition not worthy the attention of the House, he would take a kind of negative ground, if he might be allowed the expression, and reply to such reasonings as might be used against the consideration of the petition. First, then, it might be said, that the œconomy, which was the object of the petition, was not now so necessary as it was last year. Have you then got rid of any of your enemies? said he. Have you paid any of your debts? have you been able to borrow money at lower interests than usual? If the contrary of this be the truth, the same necessity for œconomy exists that ever existed. The great supplies of the year proved the expence of the war; and the charge of profusion was confirmed by the shameful terms of the late loan, where a million was squandered, for no purpose but that of corrupt influence. These terms were scandalously improvident; and perhaps they were made improvident, only that the members of that House might be induced to continue the war, and grant the most unheard-of supplies. The extravagance of the loan would appear manifest by a comparison with the loans made by the India-Company: they borrowed money at 4 *per cent.* while the public gave 9; and India-bonds bore a premium, while navy-bills were subject to a discount of 12 *per cent.* The House, however, had approved these terms; or rather they had passed them; because it was impossible that they could approve a bargain that seemed to be founded on infamy and iniquity: but the noble Lord had left the House no choice; he said the terms were bad; but he could get no better: the House therefore was reduced to the sad alternative, either of abandoning the public in the moment of war; or agreeing to the most infamous terms on which a loan had ever been founded.

With regard to the influence of the crown, which the last Parliament had resolved, to have increased and to be increasing, was that diminished? Most certainly it was not. He believed, on the contrary, it was so much increased, that there was not even honesty and virtue enough in that House to come to the resolution of their immediate predecessor. Every division in that House shewed that the new Parliament had given the minister new strength. The complaints of the
people

people then were the same now as before. The minister himself confessed but the day before that the burdens of the people were increased; for he admitted, that the extraordinaries of the army had swelled to an extravagant and enormous degree. But had any step been taken to redress the grievances of the people, so as to alter their situation from what it was the year before? The only thing that he knew of was, the commission of accounts, and that, though he did not mean to detract from the merit of the present commissioners, had been managed, by the noble Lord in the blue ribband, in a way that was liable to much objection. An honourable friend of his near him had, upon repeated experience of the perplexing and unsatisfactory accounts of the extraordinaries of the army, and of various branches of the public expenditure, proposed a commission of accounts, but undoubtedly he did not mean to part with the best and most essential privileges of Parliament; his honourable friend meant a committee of members of that House, who would have had the power, when they had investigated the public accounts, to have instantly rendered their inquiry effectual, by moving such measures as the result of their investigation might render necessary. The noble Lord in the blue ribband had thought proper to take the bill out of the hands of his honourable friend, and had not only nominated his own commissioners, but had given them a salary of 1000*l.* a year each; so that instead of lessening the number of placemen, and diminishing the public expence, as the petitions of the people had requested, the noble Lord had added to both.

Being told, by Colonel Barre, that the commissioners had no salary, Sir George corrected himself, and said, he understood he was mistaken. The commissioners had no salary! he was glad he was set right, for he had much rather at any time go but half way in his argument than over-state any particular fact. But what had the commissioners done? They had gone into an inquiry as to the public money remaining in the hands of several public accomptants, and after ascertaining what the several sums amounted to, and in whose hands they were lodged, and reported the same to the House. What was there in all this, which a committee of members of the House, assembled in one of the rooms above stairs, was not equally competent to with the present commissioners? or why, might not any four idle Lords of the treasury have done the business? The treasury-board was paid for the especial purpose of managing and superintending the public expenditure;

ture ; but perhaps some of the Lords considered the first Lord as the only acting officer, and regarded their own places as so many comfortable sinecures. This was a sufficient proof that the influence of the Crown was excessive ; for without superior influence it was impossible that Parliament could consent to vote away its own prerogatives. All the other subjects of complaint remained as before. Were the extravagant emoluments of office retrenched ? were the pensions and the sinecures of government curtailed ? was there in any one department of state, system, regularity, or œconomy introduced ? No ; all these grievances remained as before, and Parliament were called upon as forcibly now as they were before to redress them.

The petition of the freeholders was, he said, lying on the table ; it was now the business of the House to take it into consideration : if it was originally the intention of government to reject it, they ought to have opposed its introduction ; to reject it now, after having admitted it, would be a mockery of the people ; and he advised gentlemen to beware how they attempted to mock the public voice and sport with the calamities of the nation. They should remember that government was made for the good of the governed ; and, if the origin of the establishment should be forgotten or overturned, the natural consequence would be, what it was totally unnecessary for him to describe. This would be the last petition that would be presented to that House from the people. They would observe a sullen silence. You allow them to bring up their petitions. O, yes ! you allow your friend to send you a letter, complaining of some injury, or imploring your assistance under some difficulty, but you take care not to open it. You set before your guests very wholesome and delicate dishes ; but tell them at the same time, that they shall not taste a bit of them. Sir George hoped this Parliament would not contradict the solemn affirmations of the last. But why should I hope this, continued he ; the last parliament were delirious ; they were in a phrenzy ; that is the language of this day. When members of Parliament act under the immediate influence of their constituents, as they did in the last session of Parliament, they are thought mad. Sir George wished to see this night symptoms in the House of such madmen. He then moved, that the petition might be read ; which having been done, he moved that it should be then referred to a committee of the whole House.

Mr.

Mr. *Dunning* rose barely to second the motion, and said, ^{Mr. Dun-} that he would not then enter into the merits of the petition, ^{ning.} but would reserve himself to answer such arguments as gentlemen on the other side of the house might urge against it.

Mr. *Duncombe* declared that the duty he owed to his con- ^{Mr. Dun-}stituents would not permit him to rest satisfied with giving a ^{combe.} silent vote on so important an occasion. He was convinced, that the great majority, if not all, of his constituents were anxious for the fate of this petition; and that it spoke also the general sense of the people without doors. The public calamities were so great, that they had driven the people to Parliament to petition for relief; and to refuse that relief, and the redress of grievances that was prayed for, would be at once cruel and impolitic. The people complained of the influence of the crown and the expences of the war; and the relief and consolation they felt was to see the names of their representatives in the list of subscribers to an improvident and ruinous loan. He argued, that there was still a greater reason for public œconomy this year than there was the last, since the burthens on the people had so considerably increased. He drew a parallel between the ministers of France and England, which was by no means flattering to the latter. Though armed with all the force and weight of arbitrary power, they did not think of plundering their masters's subjects by infamous loans, and crushing them with new taxes: on the contrary, they made it their study to spare the people as much as they could; and by œconomy in every department, made them as little sensible as possible that they were engaged in war. Our ministers, on the other hand, had acquired arbitrary power, by means of the influence of the Crown; and the use they made of it was to oppress and ruin their fellow subjects. To this influence he was an enemy, and consequently he would give his best support to every measure that could in any wise tend to its diminution.

Mr. *F. Honeywood* concurred in opinion with the last ^{Mr. F. Ho-}speaker; and he did so the more readily, as he knew he was ^{neywood.} speaking the language of his constituents. In the last Parliament two petitions had been presented to that House from the county that he had the honour to represent [Kent]. The subscribers to these two petitions disagreed upon one point relative to associations; but there was but one opinion among them with respect to the resolution of petitioning Parliament for the reduction of the influence of the Crown, and the introduction of œconomy into all the departments of govern-

ment: it was therefore with singular pleasure, he would support any measures that had these two objects in view, because his own opinion coincided with that of his constituents.

Mr. Rawlinson.

Mr. *Rawlinson* declared he did not consider himself as that in any degree bound to abide by resolutions of another Parliament. He was not a member of it, and he was neither bound nor biased by their conduct. He was a young member, and could not be supposed to be much acquainted with the rules and orders of the House; but he believed it was unparliamentary to bring the former resolutions of the House as arguments for the subsequent conduct. Their opinions would naturally change with the change of circumstances. He expressed his surprise, that a petition signed by only *thirty-two* persons should be held in as respectable a light as if it had been signed by thousands; and that it should be supposed to convey the sentiments of all the people of England. These thirty-two petitioners, however respectable, were but *thirty-two* in number; and he would never consent for one, that they should be called the people of England. But, said he, it may be urged that though they are but thirty-two in number, they stand delegated by several counties in England. If that is the point of view in which I am to see them, I will not hesitate a moment to reject their petition; because I know of no such body of men in our constitution as *county-delegates*, except those whom I see within those walls. If, therefore they appear as delegates, I know them not: I consider all delegation out of this House as unconstitutional and illegal; the only view of such sort of delegation can be to form a body to awe and controul the legislature. If, as individual freeholders, they are not the people of England's representatives; consequently, in either case, I will vote for the rejection of the petition. And, indeed, it is clear, that the petitioners themselves were aware of the objections that might be started to the prayer of their petition, in either of the two described capacities; and, therefore, they did not dare to appear before the House as delegates; but they got their friends nevertheless to represent them as such in their speeches.

Sir Horace Mann.

Sir *Horace Mann*, alluding to the two petitions from the county of Kent, mentioned by Mr. Honeywood, said, that one of them had originated with him, and that he advised it, merely because he disapproved of every idea of associating, forming committees of correspondence, or holding any language to Parliament, which he thought it would be improper for them to listen to. He was an enemy to influence, and a friend

friend to oeconomy ; and there was not a man in that House, or in the nation, who would more readily concur in any reasonable and legal measure to check the former and promote the latter. But he had opposed, within those walls and without, every attempt to form associations and committees, which he held to be both dangerous and illegal : as such he had already opposed them, and as such he would oppose them on all occasions and in all places. It was true, indeed, that the names subscribed to the petition then before the House, were set down simply as the names of individuals in their own private capacity ; but still every one knew, that however respectable they were in that capacity, they were nevertheless the delegates of the counties in which they were freeholders ; and therefore as he could not separate in the present instance the idea of the delegate from that of the individual, he was determined to oppose the motion made by the honourable baronet, though he would be ready to second him in any proposition he should make of himself, as a member of Parliament, for checking the influence of the crown, and introducing a system of oeconomy in the expenditure of the public money ; for their sentiments, on most political subjects, he believed to be the same ; but associations and committees of correspondence he had disapproved last year, and now disapproved. Every scheme for reformation should originate in that House, which contained the only true delegates of the people. The petition before them came in a very questionable shape. He was for reprobating it, and treating it with the contempt it deserved. He exhorted them to maintain the dignity of the House with firmness.

Colonel *Roberts* opposed referring the petition to a committee ; the colonel reprobated the idea because he considered the whole measure but as a factious attempt to revive divisions and dissensions among the people at a time when unanimity was so requisite. The petition was signed by men who had notoriously assumed the unconstitutional character of delegates and committee men, and who had assembled in that character more than once, and come to various resolutions, which they published in the newspapers ; the whole of which proceedings appeared to him to be founded in a design to awe and controul Parliament. He said farther that exclusive of his objection to the signatures, which objection he begged to be understood, went only to the gentlemen's being delegates, and not to them individually, or as members of that House, (in both which capacities he knew them to be men of honour

and abilities,) he could not admit that the assertions of the petition were either fairly stated or true in fact; for what did the petition assert? "That the crown had acquired a great and unconstitutional influence, which if not checked might prove fatal to the liberties of this country." The whole of this declaration was unfair; because though the influence of the crown was increased it did not follow that if not checked it would soon prove fatal to the liberties of this country. The increase of the influence of the crown, was nothing more than that unavoidable increase, which the war occasioned, and which would exist not a moment longer than while the war existed. The expences of the war were said to be exorbitant; undoubtedly they were large; but could any gentleman who had signed the petition suggest a means of carrying on the war with more oeconomy? Before they complained of the public money having been improvidently squandered, they ought to have shewn in what manner the public expenditure could be carried on with more oeconomy. It was evident that the enormous size of the expence of the war did not arise from the prodigality of ministers, from the zeal with which the noble Lord in the blue ribband had prosecuted his proposed commission of accompts, and his having declared not only his intention to move for leave to bring in a bill to continue that commission for another year, but had given notice that he should insert a clause in that bill, pointing out the extraordinaries of the army as a special object of the commissioners' examination and inquiry. This was not only a reply to the petition, by being a compliance with part of its prayer, but an unanswerable proof of the integrity of the noble Lord and of his earnest wish to act with as much oeconomy as possible. So far from the assertions, that the increased influence of the crown would soon prove fatal to the liberties of this country, and that the public money was improvidently squandered, being true, the very reverse was the contrary. This trifling error occasioned a hearty laugh. Mr. Roberts felt himself somewhat confused, and not easily recovering his self-possession, he apologised by saying, that whenever he spoke in that assembly, he felt himself greatly awed, he thought therefore that he could not better shew his respect to the House than by thanking them for the attention they had paid to what he had said.

General
Burgoyne,

General *Burgoyne*, after what had fallen from the honourable baronet who spoke the last but one, rose to take his share of the imputed censure. Waving all disputes concerning

cerning an original contract between king and people, he thought himself warranted to affirm, that government was made for the governed, and not the governed for the governor. There was evidently a supposable case in which resistance to the supreme power was lawful, being necessary. That case had existed in times when the incroachments of the crown were avowed and open; but now the strides of the crown towards absolute power were secret. The case complained of in the petition was a new case; and the only point to be considered was, whether the delegates believed, in their consciences, that in forwarding the scheme of associations they were doing their duty. He had signed the petition, and he thought and felt that he had acted in the business as became a free citizen; in coming to Parliament he had exercised that right which every citizen enjoyed and valued; that of petitioning Parliament for a redress of grievances. The objection to the petition, from the circumstance of so few having signed it was frivolous. Gentlemen knew that thousands would have signed it with pleasure. He took notice of the miserable state of the kingdom in general, and particularly of our humiliation at sea. We were obliged to cross the Channel under the protection of the Emperor's flag: to such a low ebb was our fleet reduced, formerly the mistress of the ocean; and to this miserable pitch were we reduced in pursuing a phantom in America. The General said, that from the furnishing of naval stores, to that of wheel-barrows, there was a gradation of contractors at the nod of government; that the means of influence possessed by the crown were immense; that there was not any man in that House who would not be purchased, if he was willing to be sold to ministry. The grace of God was absolutely necessary to preserve the minds of the most affluent in their circumstances, and independent in their fortunes, from servilely cringing to ministers. It was in vain, he said, to argue in that House when argument was drowned in numbers, bought and retained for the purpose of serving the ministry. The experience of every day taught them that the influence of the crown was sufficient to prevail over every generous effort of the few who yet retained a sense of their duty and a regard to the interests of the people. In such a case then was it not right, prudent, and proper, that the constituent body of the legislature should apply by petition to those whom they have delegated for a legal redress of their grievances? And is it singular that knowing the state of that House they should select
a few

a few virtuous men out of their number to assemble and wait, and observe the operation of their appeal. After this he drew the attention of the House to his own case; he had lost, he said, the rewards of a long life, spent in a painful career for his country's service, and his sovereign had lost an honest soldier; incapable he might be to serve him, but still his zeal was inferior to none. He was now consigned to retirement and oblivion; driven, he would say, unjustly from his station by the machinations of power. He was now sufficiently inclined to inactivity; but should the exigencies of the people call him forth from his obscurity, or the necessities of the state require the assistance his arm he was ready in the public cause to act or to suffer.

Lord Field-
ing.

Lord *Fielding* rose next. He prepared his speech with an apology for the intrusion; conscious as he was of the very little weight or attention which a member so young and so totally devoid of parliamentary experience could claim. But the importance of the subject would be his best excuse, as it would be considered the duty of every member to deliver his sentiments on a topic in which the dignity of the House was so materially concerned.

He declared himself happy to agree with the honourable baronet who made the motion in the importance of the subject, and the danger that would arise from neglecting it. Important it certainly was, and dangerous would the consequences of such neglect be; but beyond this he feared they would no longer agree. The honourable baronet and himself saw it with different eyes: he saw it with a partial, a parental eye, while he confessed he saw it with a jealous one. The honourable baronet seemed to consider it as the manly, constitutional effort of a spirit of freedom; while he could not help considering it as the revival of a very dangerous spirit of innovation, that no longer than last year had almost reduced this country to the situation she was in in the years 1741 and 1742. How far that spirit would have gone, it is impossible to say, had not Providence been pleased to interfere a severe indeed, but necessary remedy; the effect that the event had on men's minds was sudden and strong; the associated bodies immediately adjourned or dissolved themselves, and conversation both within and without doors was materially changed. Appeals to the people on the subject of recurring to first principles were no longer heard, and even newspapers ceased to be declamatory and violent. Recollect-

ing this, it would become the House to beware how they again conjured up a spirit that was laid with so much difficulty.

Nor did he think the object of the reform, even if quietly effected, a subject so much to be desired; it must at least be done with great caution: if it was such, as he understood from an honourable gentleman in a former debate it was intended to be, the lessening or if possible the destroying that connection subsisting between the crown and the Parliament; if gentlemen would look back to those periods in which that connection had been the smallest, they would not find the state of domestic government so earnestly to be wished for. Let them look at the reigns of Queen Elizabeth and Cha. I. in the former of which the freedom of Parliament was buried in the gulph of prerogative; in the latter the prerogative itself was destroyed; and with it perished at once both monarchy and constitution. They would find Queen Elizabeth unable to guide councils of the Parliament, and consequently jealous of its authority; they would see that jealousy breaking out with fresh violence on every occasion. They would not only find her forbidding the House to consider of particular subjects, but absolutely forbidding it to meddle with matters of state in general; and on the least disobedience to those imperious commands, they would find her sometimes sending for and severely reprimanding the Speaker and the House, and more than once imprisoning the members; nay, so far did she carry her unreasonable jealousy, that in her last Parliament, when the Speaker, in the name of the House, made the three usual demands, of safety for their own persons, access to her presence, and freedom of debate; they would find her granting the two former under very strange limitations; and to the third, answering (he believed in these very words) "that she granted it indeed, but not, that every man should speak what he listed, or what cometh into his brain to utter, but merely the liberty of saying aye or no." These were the blessed effects of a want of connection and mutual confidence between the Crown and the Parliament. The latter of these periods was marked with effects too melancholy, not to be so strongly impressed on every man's mind, as to make it unnecessary for him to enlarge upon it. The Parliament, intoxicated with its newly acquired power, went such lengths as at last wholly destroyed the constitution. This great evil, at last, however found a remedy in succeeding reigns; the Parliament saw the necessity of reposing some
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confidence in the Crown; the Crown materially altered its language to the Parliament; in short, to use Judge Blackstone's expression, "the harsh tone of prerogative was succeeded by the milder voice of influence."

"But (say the gentlemen on the other side of the House, and in faithful echo to their words, says the petition before us,) that influence is lately so prodigiously increased, that under this weak and wicked administration it threatens to overwhelm, in one common ruin, the privileges of Parliament and rights of the people." Did it indeed! Let them draw the comparison between the present state of court influence, and what it was under Sir Robert Walpole, and he would ask the gentleman over the way, in what period of that minister's reign, so few placemen were in Parliament? When would they find four only of the twelve grooms of the bed-chamber in that House? But not to mention the *millum tempus* act, the act for securing the independence of the judges, or that great barrier to Parliamentary freedom, Mr. Grenville's bill, (all since that minister's time) there was still a stronger circumstance arisen. Where were those regularly trained parties, for which that period was so remarkable? he would ask an honourable gentleman, over against him, could he, could the ablest political muster-master so exactly calculate the strength on each side as to be able previously to determine which way many, he might almost say any, great popular question would be carried? No; he could not, that was effectually prevented by a new, a third party, having sprung up in that House, unknown to former periods. He meant the country gentlemen; the balance of power in that House was taken out of the hands of the minister, and placed in those of the country gentlemen; in the hands of men, for whom they had seen learned universities and great populous counties contending; men of that sublime character described by the poet, whom

*Non civium ardor prava jubentium,
Non vultus instantis tyranni,
Mente quatit solidâ.*

Men neither to be frowned into servility nor huffed into faction; by the support of these men, and not, as had been falsely asserted, by the low arts of corruption, did the present minister stand. Should the noble Lord in the blue ribband, by any strange fatality, become that weak, that wicked minister, he had been unjustly called; should he become, as he has been represented, careless of the public good, attentive only to his private interest, a misleader of his sovereign, a corrupter

corruptor of the Parliament, an oppressor of the people, his supporters, would immediately quit him, but what was the contrary, he saw him generally supported by the most respectable characters in the House, it was to him as supplying a proof that he deserved their support and the confidence of the people at large, as it was of the worth, the generosity, or the integrity, of a private character, whom he saw countenanced and supported by the worthy, the generous, and the just.

Mr. Byng rose, he said, to give a plain and blunt answer Mr. Byng. to the question which had been put to him by the noble Lord: As a political muster-master, he would inform the noble Lord, that such was his opinion of the power of the minister in the House that he never had it in his power to make a doubt of the issue of any question. He could always speak with tolerable certainty of the numbers which the minister could command, and he had the daily misfortune to see that these numbers were sufficient to overpower all the independent votes in that House. He would tell him farther, as a political muster-master as he was pleased to term him, that with so much safety could the minister presume to command the votes of gentlemen, that he sent in difficult cases his peremptory mandates, and, when the issue of a debate was doubtful, what were the arts, and what the industry of his creatures to collect his hands from the coffee-houses, to make them leave their dinners and their bottle, and come staggering into the House to decide on the fate of their country. the noble Lord was a young member, but before he had much longer continued an individual of the phalanx, which he had chosen to join, he would have opportunities of seeing the true nature of the ministerial influence, which he now so warmly praised, though perhaps his own independence might secure him from feeling its insolence. With regard to the present motion, though he knew it to be a proper and salutary measure, and though he sincerely believed that a majority of the House entertained in their hearts the same opinion of it, yet he already foresaw plainly that it would be lost, if, however, he should be mistaken; if, for once, the virtue and the duty of the House should be superior to the corruption and dependence, he would cheerfully confess his error, resign the office of political muster-master, and agree with the noble Lord that he could not anticipate the fate of any question; he sincerely wished that the noble Lord, in the blue ribband, would for once suffer the event for the sake of the consequence. He said, the noble Lord might well put

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his other question, relative to the number of grooms of the bed-chamber in Parliament, triumphantly, because the noble Lord could not but be aware, that the number of grooms of the bed-chamber was different at present from what it was in Sir Robert Walpole's time. Mr. Byng after this declared, he concurred in opinion with his honourable friend (Sir H. Mann) that the matters played for by the petitioners ought to have originated in that House, but what reason had the people to expect, that any thing of importance, really essential to their interests would be proposed in a place where the influence of the Crown bore down all before it, and the minister carried every thing by his majorities? How that influence and those majorities were acquired the House was not ignorant; the public were not in the dark, the late loan had opened their eyes, and they saw that they were represented by men who preferred their interest to their duty, and who submitted to the ignominy of participating in the plunder of their country. The honourable gentleman called back, to the recollection of the House, many of the important facts relating to the management of the loan, and the distribution of it among the friends of the the minister, that he had before brought to their knowledge. They saw many avowedly upon the list, but those they thought infinitely more honest and upright than those who skulked in the dark. They people knew all this. They knew they had nothing to hope from the noble Lord in the blue ribbon, and therefore they came to Parliament of themselves, and in a true constitutional manner called upon that House to do its duty, the fate of the motion would convince the people without doors, whether Parliament was so lost to all sense of shame, as when expressly called upon so to do, to refuse opening their eyes to matters of the most serious nature, and to which that House had been wilfully blind for some time past. An honourable gentleman over the way, [Mr. Rawlinson] had said, the petition ought not to be attended to, because it was signed by so few persons as thirty-two in number. good God! did the merits of the petition now before the House, or of any petition, depend on the number of persons who signed it? Every gentleman present knew, that the facts stated in the petition, and the question of their truth or falsehood, were the sole objects, and the sole question, to be examined and determined. But such an argument was scarcely worth an answer. Last year the argument of objection was, that the petitions were too many, and the subscribers too numerous, now a single petition was sent to the House, and that signed by thirty-

two persons only. The argument was, that the subscribers were too few. It was a proof to what miserable resources the other side of the House were driven when the minister and his friends wished to get rid of a matter, the truth and importance of which they could not deny, but which nevertheless they dared not meet.

Mr. *Courtney* rose after Mr. *Byng*. He said, as the hon-^{Mr. Courtney}ourable gentleman had again reverted to the old subject of the loan, he was happy to find he exempted those members of the House from the severity of his censure, whose names stood fairly and openly on the list of subscribers. As he had the honour of being a native of a country, where weak nerves and an unbecoming modesty were not epidemic maladies, his name had appeared conspicuous on that list; and the only concern it gave him, was, that it stood opposite to a small sum. The honourable gentleman had also attempted to prove that a majority of the freeholders of England had approved of the petition now on the table; but his mode of demonstrating it seemed a little extraordinary, as it was not adverting to the names of those who had actually signed it, but to those who had not; a species of logic by which it was easy to prove any thing.

As to what fell from another honourable gentleman, that we had lost the empire of the sea; he should only observe, that the triumphant relief of Gibraltar, and setting the combined force of France and Spain at defiance, seemed rather to invalidate his assertion; especially as the only proof he adduced of ~~this~~ our degraded situation, was the Emperor's packet-boat (with the imperial flag) taking in passengers at Margate, and landing them at Ostend.

He then said, as he had answered every thing material, which had fallen from the two honourable gentlemen, he would now return to the question.

He knew of no subject where it was necessary to speak with greater delicacy, in order to prevent being misunderstood or misrepresented, than on a subject which even professed to have in view, the gratification of the freeholders in England. If all that was wanting to insure success to any measure was a plausible title and popular introduction, the delegates need not have recommended the present petition to the two honourable gentleman, who moved and seconded the motion; but well knowing, that the request they were to make, required all the support which character and ingenuity could give it, they had made a most wise and unexceptionable choice.

The force of the House, be apprehended, to prevent the same business from perpetually recurring the same session, had forbidden a second introduction of the same subject. But the present petition, substantially, and in effect, the same with a bill lately rejected after long debate and mature consideration, had a direct tendency to defeat a regulation so well calculated to facilitate the progression and dispatch of public business. But without insisting on, or reverting to the conduct of the late and present Parliament on this question, he thought he was warranted in asserting, that there had been a great and material change in the sentiments of the freeholders themselves on this subject. Many of the associated cities and counties, which sent up deliberating delegates last year, had now declined sending up petitioning ones; a conduct which seemed to sanctify and confirm what the friends of government advanced last year, that when the time of the general election was over, and the secret views of influencing persons were at an end, the real motive of promoting those petitions would be then disclosed, and the prayer of them be no longer urged with peremptoriness and importunity. No man could entertain a higher opinion of the people than he did; if, by the people, both sides of the House meant the same thing; for, according to his idea, the great and respectable body of the people were those of the middle rank; men who were neither rendered daring by ambition, nor desperate by necessity; men who did not want such Roman provocatives to public spirit, as *domi inopia—foris æs alienum*. The gentry and independent yeomanry of England constituted that respectable body; men who had no separated interest distinct from the happiness and prosperity of their country; they were the true props; they were the stay; they were the sheet anchor of the constitution! In that invaluable body of men resides the true spirit, the virtue, the nerve, the active energy, of Britain! their minds were firm; their understanding manly; they knew that the best minister might be calumniated, and even his virtues refracted through the false and imposing medium of a distorting and insidious eloquence. But they were not to be duped by sophistry, or imposed on by a twist of ingenuity; a distortion of reason and perversion of common sense. A pure and spotless character, unshaken honour, and unimpeached integrity, (qualities, not always inherent in a minister!) were still some recommendation to their favour; and, as they had not been initiated in Doctor Mandeville's school of philosophy, they did not believe that private vice

could be a public benefit; and therefore did not maintain the converse of the proposition, that private virtue could be a detriment to the public. But nothing was too difficult for the subtle genius and paradoxical ingenuity of some gentlemen; if they argued on the other side of the question, we should be told that accepting a place was giving the strongest test of a firm attachment to our invaluable rights and liberties: for, as the influence of the crown necessarily originated in the freedom of the constitution, every person, who enjoyed an honourable and lucrative situation under government, was more peculiarly interested to preserve the purity and energy of that free and excellent system, which rendered that influence indispensably necessary.

He then observed, that this respectable body of men would always support the noble Lord in the blue ribbon, whilst he continued to act with wisdom, decision, and integrity; they saw the necessity of carrying on the war against America, as the allies of France, in confederacy with the House of Bourbon, to annihilate the power of Britain. They approved and applauded the spirit of the noble Lord in chastising the perfidy, insolence, and ingratitude, of Holland; for they inherited the spirit of their ancestors, and still thought, that to submit to monarchies, however great and splendid, would be an abject and base humiliation of the imperial pride and dignity of Britain; but to submit to a Dutch degenerate republic, this indeed would be a new species of degradation, which never yet having had any existence in the annals of this country, no epithet ignominious enough had been invented in the English language.

He then asked whether it might not reasonably be presumed, that this valuable body of the community, which he had attempted to discriminate and define, on seeing the dreadful consequences of an association, formed, no doubt, from a laudable zeal to support the true interest of the Protestant religion, did not choose to give the least encouragement to the revival of such a flaming spirit; for, he said, there existed another class of men, who often falsely and impudently assumed the name of the people; men composed of the profligate, the idle, and the abandoned, who were ever ready to break out into acts of riot and outrage, and who were easily worked up into faction, or inflamed into sedition, by the popular breath of every turbulent demagogue, as he had seen the stagnant and putrid waters of a marsh kindled into a blaze by a lighted newspaper.

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He then declared, he meant no reflection on the delegates, whom he esteemed and respected; they, he was convinced, would scorn the assistance, and disdain to court popularity among the reprobate part of society. The committees (their constituents) were instituted for more laudable purposes; they might be considered as self-erected political hand-posts, planted over the country, to point out to the people the path they were to pursue.

“ Along the cool sequester'd vale of life,
To keep the noiseless tenor of their way.”

In other respects too they did great and essential service to their country; they intercepted the noxious steams which flowed from their body-politic, in a very sensible perspiration, and condensed the vapour, which descended on the table of the House, in a harmless shower; of petitions, remonstrances, and projects, for reformation. From such political manufacturers, we might rationally expect a new and splendid edition of Magna Charta, stamped on *pro patria* paper, and worked up from the rags of the community. They elicit the latent sparks of virtue and patriotism, from a part of the commonalty, where none was ever expected to be found, as an electric machine extracted fire from a dunghill.

He added, that he entertained the highest opinion of the conduct, views, and principles of the delegates; no man lamented more than he did their banishment from Guildhall; but he consoled himself by reflecting, that it was an honourable species of ostracism, by which the common council of London proudly and ambitiously affected to imitate the conduct of the celebrated citizens of Athens: their characters, too, he held in the highest veneration.

“ Their wise Divan the best companions grace,
Chiefs out of war, and members out of place;
Who fondly mingle in their hope-fill'd bowl,
The feast of reason, and the flow of soul;
Ev'n he, whose light'ning pierc'd rebellion's lines
For reformation, forms their great designs.”

To them we are indebted for many excellent projects to restore and renovate the constitution; annual Parliaments among the rest; for as all power originated from the people, by shortening the existence of Parliament (for their political sins) they would be rendered more humble and dependent on their creators, and become a shining, but transient, emanation from them; be directed by every popular blast, and turn, like a smoke-jack, by the breath of the people.

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He said, he made no doubt, but that their excellent, though hitherto disappointed, attempts, to diminish the influence of the Crown, sprung from the purest and most disinterested motives. It also gave him an opportunity (which he would cordially embrace) of obviating an illiberal and invigorous reflection, which had been often thrown out in the public prints and in private conversation, as if some people did not receive the news of our victories or defeat with all that joyful exultation, or sorrowful dejection, which might be expected from Englishmen ! But this problem might be easily solved ; for as the dangerous influence of the crown would be increased by our victories, but diminished by our defeats, it was perfectly consistent with the gentry alluded to, to hope for the improvement of the constitution, and the extinction of corruption, by the ruin of the empire ; and on this enlarged and liberal principle, men of the most sublime minds and refined and exalted virtue might derive unspeakable and cordial consolation from the misfortunes of their country. For instance, the conquest of the Carnatic, by Hyder Ally, might enforce a reform in the King's-kitchen ; the loss of our provinces in America, might occasion the dismissal of a Lord of the Bed-chamber, a Comptroller of the Household, or Clerk of the Pantry ; and who was there dull enough not to perceive that such trivial calamities were amply compensated by such great, solid, and substantial benefits. He added, that he thought it right to speak thus seriously, as he found sentimental comedy was most agreeable to some particular gentlemen's taste, especially as something ludicrous, which had inadvertently fallen from him on former occasions, had given undesigned offence. He concluded, by expressing his strongest disapprobation of the motion, and his resolution to oppose it.

Mr. *T. Townshend* commented, with his usual success, on Mr. *T.* the arguments and language of the former gentleman. The *Townshend*. levity with which he treated every question of the most serious and solemn nature, might be agreeable to ministers, as they wished to throw all public virtue into ridicule ; but it could neither give them respect with the people, nor character with posterity. These were the mean resources of profligacy and impotence, and they merited no other regard, either in that House, or in any other place, than contempt. He observed, that it was the artful contrivance of the present day, to coin the word *delegate*, and introduce it by force into the question as an argument for rejecting it. The petition did not come from delegates ; it came from freeholders ; and in no other light could it be assumed or debated.

Mr,

Mr. Paine. Mr. Paine said, that the petition, being signed by any persons, assuming the character of delegates, he certainly should have opposed it directly. He had particularly attended to it when it was read from the table; and it did not profess to come from the subscribers as delegates, but as freeholders, of Great Britain; therefore, as the case stood, he thought it ought to go to a committee.

Sir Harry Houghton. Sir Harry Houghton thought the inconsiderable number of persons who had signed the petition no objection to it, they were as well entitled to the consideration of that House as a larger number; he had other objections to the petition. Sir Harry paid Sir George Saville very high compliments, but could not agree with him in regard to the motion.

Mr. Rolle. Mr. Rolle stated his approbation of the subject matter of the petition, and his zeal to support the right of petitioning, but he wholly disapproved of associations and committees without doors, to watch and controul Parliament. He thought them neither legal nor constitutional, and as he considered the present petition as coming from a committee of delegates, though the gentlemen had not signed it in that character, he should oppose the motion. Mr. Rolle said, he remembered to have had it as an opinion from a lawyer, that an association, for the preservation of the game, and for the purpose of carrying the game laws into execution, was illegal.

Sir F. Basset. Sir Francis Basset spoke against the motion. Sir Francis stated, that a late meeting, held in the county of Devon, for the purpose of appointing delegates, was very thinly attended, there not having been above twenty persons present, although there were thirteen thousand freeholders in the county. Sir Francis said farther, that three persons were chosen delegates, and only two of the three had signed the present petition; he concluded, therefore, that the third did not approve of it.

Sir G. Yonge. Sir George Yonge said, the honourable baronet was mistaken, the county-meeting of Devon had been very large and respectable, as he could witness. With regard to the three delegates, he was the third that had not signed it; and the reason was, he happened to be 270 miles from London when it was signed, but he fully approved of the contents, and, if the forms of the House would have admitted of it, was ready to sign it even then. Sir George went into an animated argument on the powerful influence of the Crown, and said it was almost irresistible, that even the largest fortunes did not secure independency; the first men of the first estates in the kingdom could not help bowing to the minister, and attaching themselves to government. That now almost every body

dy sold themselves to administration, let their fortune, rank, station, trade, or occupation, be what it would. That nothing but the providence of God could prevent a man from losing his independency, a large estate was no security. Independence must spring up in the mind; it could not be procured by affluence. He said the reason why the House, that was the ministry, refused the commitment of the petition was, that they were afraid to meet its contents.

Sir Francis Basset applied to himself what *Sir George* had *Sir F. Basset* said in respect to independence, and defied every individual from the other side of the House to prove that he had ever acted but from motives of the purest independency. A contest arose between him and *Sir George* on this point, but the House seasonably interfered, and mutual explanations took place.

Mr. Parker (member for Devon) made a short speech, in *Mr. Parker* which he said it was due from him to his constituents, to declare that the meeting alluded to by the two last gentlemen, was to his knowledge, extremely numerous and extremely respectable. *Mr. Parker* also said, he believed the majority of his constituents approved of the present petition.

Mr. Martyn supported the motion, and arraigned the last *Mr. Martyn* Parliament, as a Parliament, assembled rather for the purposes of individual traffic than with a general desire to propose measures likely to promote the welfare of the state and the happiness of the people. They looked more like men following a trade in that House, or a lucrative office, than like men doing their duty to their constituents. This he was at liberty to observe of late Parliaments, for, to be sure, nothing could be said of the present Parliament but what was useful and worthy.

Mr. Martyn observed, that he was but an indifferent speaker, and therefore he begged the House to indulge him so far as to hear him read a short extract from an author of considerable eminence, which he thought apposite to the subject of the day. He then read an extract from *Hume's Essays* on the Coalition of Parties, and recommended the ideas therein contained to the consideration of the House.

Mr. Harrison began with saying, that they had then before them, if he might be allowed the expression, the aggregate petition of a very considerable part of the people of England, praying for a reformation and retrenchment in the public expenditure. He must confess, he said, that he did not doubt but it would meet with the same fate that every

other request of the people had of late experienced in that House; which, so far from tending in the least to promote any steps towards redressing the objects of their complaint, seemed only more strongly to have fixed and rivetted the resolution of administration to shut every door of inquiry that might be the means of bringing to light that baneful course of influence and corruption, which had so long hoodwinked the senses of that House, till it had led this country to the verge of that awful precipice, on the brink of which it now stood. He then said, that it had of late been the constant language of one side of the House, either to represent the petitions of the people in the most contemptuous light, as the voice of an ignorant and deluded multitude, led away by the factious and discontented spirit of their superiors; or, if they deigned to consider them in a more serious point of view, they were to be represented as the ebullitions of a republican spirit; a spirit dangerous to the constitution, and which ought to be resisted. Upon this principle (continued he) we have seen every proposition, tending to any reformation, uniformly rejected in this House, without even the colour of an argument for its exclusion. We have not only seen the same shameful waste and mispending of the public treasure continued, but we have seen the enormity of profusion, extended in the instance of the present loan, beyond what has ever been known in this or (I will venture to affirm) any other kingdom in the universe. That unrestrained power, which ministers have assumed over the public purse, is a matter so ruinous and destructive in itself, so big with national calamity in its operations, that whether we may be ready, or whether it may be a proper time for such exertions, I will not say; but it is an assumed, unconstitutional power, that must and will be restrained. It is so totally subversive of the very essence of this constitution that a continuance of it is even worse than despotism itself. It is that delusive means, which led this country on its mad career after American domination. A war, founded in a thirst of patronage, and carried on by a resentful spirit of disappointed ambition; not that laudable ambition to aggrandise the power, dignity, and welfare, of this country, but that detestable, and horribly ambitious desire of obtaining, under pretence of an ideal and inefficient revenue from America, a real power of domination in that country, and a most substantial accumulation of patronage and ministerial influence in this. But had it been supposed that any assembly could have been so totally lost to every

every sense of the duty they owe to their constituents, to every sense of the duty they owe to themselves, as patiently to suffer a minister, at this time of general necessity and distress, at one stroke to give away above a million of the public money; and at the same time be able to stop every inquiry of this House, into the enormity of such profusion. If it had been supposed that any popular assembly could have been reduced to such a servile state of ductility, ministers would have thought that a much more easy and less dangerous expedient might have been adopted, for the aggrandisement of their influence in that House, than their favourite object of American taxation; and happy had it been for this country if the mask had sooner been withdrawn!

He then observed, that ministers had, with their usual subtilty, endeavoured to subvert the object of the present motion, that of a national reform, under pretence of disapproving of the means by which the application had come before that House. But that, with all the art they had used, or could use, they could only make it the petition of particular freeholders, appointed by petitioning counties, to address that House, to call to their recollection the former petitions which then lay mouldering, as useless lumber on their table. But (says he) as the objects of those complaints are not only unredressed, but even the enormity of the grievances complained of extended, we ought to consider them as now before us, in their fullest force, claiming that regard and attention, which we, as the representatives of the people, cannot refuse without betraying that trust which is reposed in us. They have a right to demand that their petition should be taken into consideration; and, when it comes before a committee of this House, if the objects of their complaints are found to be ill-grounded, or not to exist, that is the proper time to treat the petition as frivolous and nugatory. But to reject it unheard, and the merits of it uninquired into, could only be considered as a mean subterfuge to reject every petition of the people, which did not come backed with the compulsive authority which the Irish took care theirs should come backed with; an authority which might extort that from their fears which would be withheld from every other more laudable motive. But, for Heaven's sake, said he, let ministers reflect on the consequences of their conduct; let them not wantonly sport too far with the distresses and complaints of the people at large; but let some ideas, tending towards relieving and satisfying the minds of the people, be brought forward by the gentlemen

on the other side of the House, since it was thought right uniformly to reject every petition of that tendency which came from this.

He then observed, that the noble Lord in the blue ribbon had, some time ago, in the course of debate, thrown out some hints of distant prospects; but they were so faint as to be mere delusions, and by no means sufficient to satisfy the discontented minds of the people; that, so far from this being an improper time for taking steps of that nature, the very difficult and dangerous situation of public affairs required it at that moment, as the only means of creating confidence in the people, which could add that unanimity and vigour to the exertions of the nation as might enable us to struggle with the united force of our enemies combined against us, which was pressing down the drooping head of, he feared, this devoted country, never to rise again!

*Alb. Saw-
bridge.*

Mr. Alderman *Sawbridge* rose, and said, in consequence of the frequent attacks which had that day been made on the character of a delegate, as illegal and unconstitutional, he acknowledged he was a delegate, and defied those, who imputed a species of criminality to that character, to come forward and avow their intention to prosecute him. If he had acted illegally he was amenable to the laws of his country, and open to conviction and punishment. If, on the other hand, the charge of criminality was only urged to defeat the petition, and to discredit the promoters and supporters of it, it was a paltry, mean subterfuge, to evade, by pretended threats and parliamentary chicanery, what its enemies were conscious they were unable to meet in any other manner.

Those, who signed the present petition, appeared before that House merely as freeholders and citizens. It was not therefore competent for the House itself, or any individual, who composed it, to consider them in any other light but what the public act itself imported; namely, petitioners, seeking national redress for themselves and their brother freeholders and citizens, and the nation at large. What the same men may have transacted without the walls, the House had not, nor could, take the least cognisance of in the present instance. They might or might not have acted imprudently, illegally, or improperly, in their delegated capacity. Was there any proof that they had? If there was not, nor any charge in being, the petition and the petitioners stood on grounds totally irrelative and foreign to the arguments urged against either. It might hereafter be a proper object of inquiry, or it might not;

not; the only point, in his opinion, under the consideration of the House, was, merely the allegations contained in the petition; if they were unfounded, or ought not to be attended to, then the parties might come fairly and directly to issue. Every other matter, relative to the conduct of the petitioners, was extraneous, and of course absurd.

For his part, he was of opinion, that the gentlemen, who acted in the character of delegates, had acted justifiably and legally. He presumed, the right of petitioning would not be denied; if so, most clearly the right included the means of attaining the object in a legal and constitutional manner: indeed, the right to associate, to appoint committees, and to choose certain persons, and delegate the powers of a greater body to a smaller or select one, was, he believed, of the very essence of large popular bodies. If they had a right to assemble, for the purpose of petitioning, they had a right to petition; and, if to petition, to devise the most proper means to give that petition effect. It was usual in all meetings of the kind, for promoting a redress of grievances, or for effecting a good, or averting a public evil, to form committees; for those committees to associate with others, standing in the same predicament, and interested in common respecting the desired event. As the power in the first instance was made to devolve on a smaller number, that selection could again delegate the power, thus entrusted, with the consent of those who originally delegated it; so that whether the power was exercised by three, five, a hundred, or a thousand, it was still the same, though the mode of exercising it might be changed or altered for the greater convenience, or for other beneficial and legal purposes. He ever understood, that all bodies of men, retaining certain inherent powers, or rights, could delegate the exercise of them under no other restriction but that of the consent of the principals, or collective body. It was justified in the most familiar intercourses of life, as well as in the higher and more important; and he was persuaded, that this doctrine would be found to be universally true, where the exception was not created by an abuse of the powers thus delegated.

On the whole, whether the meeting and conduct of the delegates was or was not justifiable and legal, was of very little consequence in the present debate. If they had acted illegally, the law was open; if they had not, every argument or objection, raised on that pretence, must totally fail for want of support.

M.

Mr. Sol.
Gen. of
Scotland.

Mr. Solicitor-General of Scotland said, he had risen, some time ago, to trouble the House with the opinion he had formed on the present subject of discussion; which, notwithstanding all he had heard, he could not find any solid reason for altering.

This opinion was, that the petition ought not to be committed, but ought to be rejected by the friends of government and of order, with some farther mark of disapprobation. The grounds of his opinion were, it appeared to him dangerous, improper, and unconstitutional, to give any countenance to the petition; dangerous, as tending to revive the drooping spirit of association; improper and unconstitutional on account of the persons from whom it proceeded; who, possessed of an illegal and unconstitutional denomination, were really and truly acting in that capacity, whilst they held forth another to the House, thereby intending (he did not wish to use a stronger word, but he must be pardoned for saying) to surprise Parliament. That they were truly acting as delegates seemed clear; they did not deny that every subscriber to that petition possessed that character. As freeholders they were represented in Parliament, and might have had their alledged grievances laid before the House, in constitutional form, by their respective representatives. Ten of those, who signed the petition, were members of the House. Acting as individuals, why did not they rise in their places, and move for leave to bring in bills of the same import with the subject matter of the petition, if they did not wish to act, and were not truly acting as delegates? Besides, it appeared from the instrument of deputation to the delegates from the county of York, that the object of those instructions, and of the petition before the House, were precisely the same, and expressed almost in the same words, "for correcting the gross abuses in the expenditure of public money, and reducing the increased and increasing influence of the crown." In short, it was clear that they put on a mask to that House, and, pulling it off, or looking from behind the vizard to their constituents, they might, if they prevailed, inform them that they had got their business done as delegates. The character, in which they truly acted, was illegal and unconstitutional was almost self-evident; for what did these delegates pretend to be but representatives of counties? Their instruments of instruction, their pretended elections; the different disputes which had arisen in different parts of the House, in the course of the present debate, about the unanimity or majority with

with which petitions were carried, or delegates named, proved it. For his part, he knew of no constitutional or legal representatives of counties except the members of that House. In law there were none known. Every other pretended representative must, of course, be an illegal and unconstitutional one. Besides, by what legal authority were these meetings called? what were the qualifications of the voters? Might not the meeting be composed of banditti, and be truly a mob, such as those miscreants who had so lately filled this city with terror and dismay? If they differed, how was the right of the delegates to be decided? Could it be done in Westminster-hall; was there any constitutional court or committee to take cognisance of it? Suppose that those delegates had not been turned out of Guildhall, but had been seated there, in all the pomp they meant to assume, could a right to a seat there have been decided in any other way than by the sword? Where was the right of such a set of men to assume judicial powers on such an occasion? where lay their right to meet and deliberate on matters of state or redress of grievances? for their commissions were not like those of agents, simply to present petitions; they were to meet, concert, and deliberate, as a body politic, and that too on matters of state, not on private business. The declaration of rights, that second magna-charta of England, article 13, bears, "That for the redress of all grievances, and for the amending, strengthening, and preserving, of the laws, Parliament ought to meet frequently;" plainly implying, that no other body of men, in a delegated capacity, had a right to meet, to deliberate, and to treat of such subjects. It had been said, by one honourable member, that the petition must be committed, because the petitioners had also the character of freeholders in them; and because the petition had already been received. For his part he could not feel the force of the observation: the character of freeholders was, on this occasion, used as a disguise, as a cover to another, under which they truly acted; and, without doors, wished to be understood to act. And as to the petition having been already received, if he had known the facts, as they now appeared, he should have moved to have it thrown over the bar; and for the same reason, which would have induced him to propose this, he held himself at perfect liberty to vote against its commitment. As to the second ground of his opinion, the danger arising to the state, from the encouragement of associations, it required but little acquaintance with history to feel

feel the force of that objection. The League in France, founded on specious pretences, proved the danger of such associations. It had involved that country in a horrid scene of bloodshed, violence, and outrage; had shaken the throne, had convulsed the nation, had well nigh overturned the constitution, and deprived the legal successor, Henry IV. of his just right to that kingdom. It was needless to enter into the intrigues of the Fronde in the same kingdom. We had fatal proofs, in our own country, of the danger of such associations. The solemn League and Covenant, in the northern part of it, was truly the origin of the civil wars. Had Henry III. of France, repressed the league, first formed in Picardy, that of the Sixteen of Paris would never have taken place, nor would the league have become general in that unhappy and distracted kingdom. Had the government in Scotland repressed the Solemn League and Covenant in the country, or the illegally delegated meeting at Edinburgh, this nation might have escaped the horrors of civil war. It was therefore the duty of Parliament, by those efforts which were in their power, to avert such dangers, to suppress associations, by preventing their resolutions and views from taking effect, whatever disguise they assumed, and the present petition, as an honourable gentleman had well expressed it, certainly came in a most questionable shape. It became the House to oppose the commitment of this petition, and in place of wasting time, in the present crisis, upon subjects already discussed, or upon other dangerous theoretical questions, for such were intended to be brought before it, as appeared from the York resolutions, it became the House, in place of such discussions, to unite firmly in concerting measures to oppose the design and baffle the attempts of our open and avowed foes, whether consisting of rebellious subjects, natural enemies, or treacherous allies. It had been said, these measures were promoted by many good and respectable men, but this argument called upon the House more particularly to express their disapprobation of such illegal and unconstitutional acts. It was of the greatest consequence to prevent good men from being misled. He sincerely believed, that the intentions of the present associators was well founded, but it had often happened that good men, associating for a good purpose, had been imperceptibly led to mix with others, seemingly engaged in the same cause, but whose views were different. Associations therefore held out, in his opinion, a possibility

bility of great national mischief; and, unless in the last extremity, ought never to be adopted nor suffered.

Lord *Maitland* made a warm and able reply, in which he happily blended much warmth and energy with argument and elegance. The noble Lord said, he could not sit patiently and hear the doctrines which the learned gentlemen had chosen to bring forward in that House. They were such, he trusted, as would never be suffered to pass without indignation or contempt. They were hostile to the foundations of British freedom, and as contrary to laws as they were to constitution. They were doctrines, indeed, which a crown-lawyer, in his improvident zeal, might be brought to hazard; but which, as a constitutional lawyer, he could never be able to support. His Lordship declared, that he well knew that associations and delegations were not only strictly legal, but in some circumstances highly expedient; and however fond a certain description of gentlemen might be to throw out aspersions against them in that House, yet he firmly believed that that House would never presume to come to a resolution of censure on associations as either illegal or improper. If ever they did, it would be in a day of forgetfulness as well as of corruption; when they had either forgot or did not choose to remember that it was to the salutary and blessed effects of association that they were a House at all, and that the country enjoyed the protection of a popular assembly. When they did not recollect their origin he was afraid they would forget their duty, and he would no longer look for a virtuous discharge of their trust than while they remembered with gratitude and enthusiasm the noble efforts of their ancestors; who, in a day of regal tyranny, associated for national deliverance. His Lordship contended, that every thing we felt as freemen, every advantage, every enjoyment, and rank, as men, and our dignity as a people, were derived from associations. In the early, just, and sober contest with Charles I. the means which brought about the Revolution; in short, every single step which had either been the means of defending our rights in the first instance, or securing them after, had been effected by associations.

It was to associations and combinations of men, associated and combined for a good purpose, that we owed all we now possessed. To those we were indebted for the compact of Magna-charta, for the Revolution, for the Hanover family; in short, for every thing we could boast of; and he had the strongest reason to believe, from the temper, disposition, and apparent views of those in power, that if the committees and

associations had been either unconstitutional or illegal, that those who had the will, if they had the authority, would have long since gratified at once the wish to punish with the eager desire to suppress. They would have commenced a legal attack on those who acted as delegates, a sort of war which ministers were much more inclined to pursue with eagerness than war against the natural enemies of the country. But they knew them to be legal, and they knew that delegations were as well known and as much in use in the constitution as any other popular privilege. It was a practice fortunately introduced, by which the desires of multitudes might be forwarded and carried into execution. There was not a petition presented to that House, even for the regulation of a turnpike bill, but there were some men delegated from the vicinity of the place where the bill was to operate, to manage their application to Parliament, and take care that their interests should not suffer for want of knowledge or for want of will. Did it ever come into the heads of men to say, that such delegations were illegal, or that they were not known in the constitution? There was not a privilege of the people, which had been exercised with more frequency, and from an earlier period of our history, than this. It was coeval with the establishment of our system, and had been exerted with success in a thousand instances. But was it from ministers that the argument against delegation had proceeded? Was it from the treasury-bench that the doctrine had come of their being unconstitutional and dangerous! What! from that bench, and from those men who had but the year before delegated the best rights of that House, not to a part of their own body, but to a set of men as much aliens to Parliament as foreigners were aliens to Britain! It surely did not become men, who had stretched the power of delegation to an extent so much beyond all precedent, and beyond constitution, now to censure a sober, right, and legal, exercise of that privilege.

The arguments of the learned gentleman, who had spoken before him, and which had induced him to rise, were truly singular. He had drawn arguments against associations from France, and had contended, that, because they were dangerous to that government they were improper in this. Good God! into what puerilities will not the zeal of party lead even learned men! What must be the weakness, or what the obliquity of that comparison which seeks an analogy between a kingdom of slavery and a kingdom of freedom, and which endeavours to make the same policy applicable to both.

both. In one of the provincial parliaments of France, the learned gentleman would have recommended himself not only by his oratory, but also by his law; his doctrines would have been agreeable to the constitution as well as to the monarch, and he would have secured popularity while he cultivated interest. But there was a happy difference in the plan of the two governments, which made the policy inimical to the one which was applicable to the other; and the learned gentleman would find that very little respect would be paid to the authority of his precedent, even by those who might be inclined to relish the compliment of his doctrine. The learned gentleman had been equally unfortunate in his precedent from Scotland; when that unhappy country was under the dominion of an unsettled government, torn by feudal tyranny, and by contradictory oppressions, in such a crisis it was not to be wondered if the efforts of the people should be unconstitutional, and if they endeavoured to grasp at deliverance by irregular means. The noble Lord therefore found no resemblance in these precedents; and, consequently, no conclusion could be drawn from them. He maintained the propriety of the petition on the table by various arguments, and urged the duty incumbent upon the House to give it a serious and deliberate consideration.

Sir *William Dolben* said, no man approved of petitioning more than he did, in certain cases, and for the attainment of certain purposes. He was one of those who promoted, or at least approved of, the petition, or instructions, which came from the county where he resided; because he was persuaded, that nothing could be more conducive to the great objects of the war than an economical and faithful expenditure of the public money. The general object of the petitions presented to the House last year, was in part complied with, or if not, was in a train leading to the proposed event. The commissioners bill of last year, and which he understood, from what fell from the noble Lord in the blue ribband a few days ago, in that House, was to be renewed the present session, was directed to an inquiry into the receipt and issue of the public money, and though the commissioners report was not yet finally completed, there was good ground to expect, from what they had already done, that very salutary consequences would be derived from their labours.

In his opinion, the principal prayer of the petition was already granted, as far as it could be; it was therefore premature to petition for the removal of a grievance which was acknowledged to be in a state of redress.

Much had been said respecting the increased and increasing influence of the crown. To him, it appeared, however, merely a matter of opinion, which operated variously on different men. It must be acknowledged, that the influence of the crown became naturally augmented in a time of war; an increase of establishments, and of the expenditure of public money, begat patronage. The question, nevertheless, was not whether the influence of the crown was increased, but whether it had increased in such a manner, to such an extent, and was so felt, as in the apprehension of the honest and independent of every party and description of men in that House, and out of it, as to lay a foundation for just apprehensions for the present and future security of public liberty.

He was ready to say, that the influence alledged to was not so felt and acknowledged; or if it was, that he made no doubt but a majority would agree with him that night, that the proper means of reducing and confining it within constitutional bounds were not appointing associations and delegates for the purpose of controuling and over-awing the legislature. So long as the constitution was preserved, redress could only be had from Parliament. he should therefore set his face against any measure which went directly or indirectly to set up any power, however constituted, paramount to the constitution, the legislature, and the laws.

Mr. Fox.

Mr. Fox now rose; and, in a speech of considerable length, adverted to every argument that had been advanced in opposition to the motion, with a power of argument and eloquence peculiar to himself.

He observed, that the arguments made use of, by those who opposed the motion of his honourable friend below him, were equally novel and unanswerable, for no man knew how to meet them; they having assumed such a diversity of shapes and forms, and to many observations had fallen in the course of the debate, totally extraneous to the subject matter; but which, by a curious species of logic, had been made to apply to the motion, and, in the apprehensions of those who made them, deemed to be decisive of the question.

It had been argued by some, says he, that the public money has been, and is faithfully, expended, by others, that the influence of the crown is not increased, and of course ought not to be diminished. By a third description, it is acknowledged, that economy is necessary, and that the public expenditure may be improved; but that measures are now taken for that purpose, and our interference is unnecessary. Others again say, that the meeting of the delegates was illegal, and that

that those who composed it are punishable. It has been allowed, that the meeting might be innocent, but it was the conduct of the persons who associated which rendered it criminal. Another description of persons say, the present petition is premature, because the principal object of redress is in the hands of the commissioners of accounts; and above all, it has been warily pressed, that the persons, whose names are signed to the petition, come here in disguise, in the character or capacity of freeholders and citizens; whereas they are in fact delegates: if delegates, their petition ought not to be sent to a committee of the whole House, because they have usurped the rights of that House and the legislature at large. If freeholders, they are too few in number to deserve the attention of that House; and finally, however few or insignificant, that they have transgressed an act of Parliament, because the petition is signed with more than twenty names.

This, he said, was but an abridged state of that torrent of eloquence and reasoning which had this night been urged in the course of the debate. However unequal to the task, he would endeavour to give each of those specific a separate and distinct answer, and make such observations in proceeding, as might suggest themselves to him, in reply to the very numerous miscellaneous remarks which were blended or connected with those arguments he had already rehearsed. He would not undertake to answer them in the order they were urged, but would have recourse to his memory, merely as the points might arise in his mind.

It was urged, with great firmness and studied plausibility, that the petitioners came to that House in disguise, for although they pretended to be freeholders and citizens, when they really were, namely, the freeholders and citizens of the places within which they were resident, they were in fact delegates; therefore their prayer or petition was not to be entertained in that House. Why so? because they considered themselves paramount to the House itself, and meditated the subversion of the constitution. The proof was perfectly equal to the reasoning which accompanied it. The petitioners were delegates, because, though the delegates meant and thought themselves competent to controul the legislature, the petitioners did not, but prayed relief from their representatives in Parliament.

So far the proof of their being delegates was overturned. The committees, associations, and delegates, with the subversion of the constitution, say those who argue in this stile; the petitioners, on the contrary, acknowledge the sovereign and

and omnipotent power of Parliament, and come to it for redress; consequently their political principles are not the same; or those, who have charged the delegates with such tenets, have purposely or ignorantly misunderstood, or misrepresented them. Besides the fallacy of this mode of arguing, he would just point out the absurdity which it involved; for, if the argument was a good one to-day it was no less so yesterday. Why entertain the petition at all; or, having entertained it, why object upon that ground? If the petitioners were delegates, and on that account ought not to be heard, they should have been told so in the first instance; for most clearly, if it was improper to refer the petition to a committee, it was equally so to receive it when first presented.

The present petition was precisely the same as many of those presented last year, and substantially the same with those upon which the House had come to the three resolutions, voted by a very great and respectable majority of that House on the 6th of April, 1780. The House then resolved, what has now been controverted, or expressly denied, by almost every person who had spoken on the other side. The honourable gentleman who spoke last, Sir W. Dolben, with whom he had the pleasure of dividing on that night, said, the petition was premature; for the commission of accounts had been instituted in consequence of the petitions. Granting, for a minute, the fact and consequence to be true; surely the giving redress respecting the expenditure of public money, by no means came up to the prayer of the petitions, nor the resolution of the 6th of April last year; which affirms, without reserve, "that the influence of the crown was increased, is increasing, and ought to be diminished;" nor with the concluding resolution, which asserts, "that it is the duty of this House to provide an immediate and effectual redress of the grievances complained of in the said petitions."

This argument, he acknowledged, only applied to such as voted for the resolutions of the 6th of April; while with those, who were of opinion then of the impropriety of coming to that vote, and those who had since that period come into Parliament, it was quite otherwise; but until the gentlemen then and now in Parliament, who voted with him on the 6th of April, publicly recanted, and assigned the motives for their change of sentiment, he had every good ground of persuasion that they would continue to maintain their former opinions.

While he was on this part of the subject, he could not avoid taking some notice of what had fallen from a noble

Lord,

Lord, who spoke early [Fielding]; it gave him pleasure to perceive a person of his rank, at so early a period of life, turn his attention to matters of a public nature, and of public interest. He had another reason for being well pleased, as it gave him an opportunity of informing the noble Lord of some circumstances which might have escaped his notice; and consequently, which might have led him to draw conclusions which were not founded.

The noble Lord laid it down, as a matter not to be controverted, that the present minister and his measures were supported, not by the arts of corruption, not by the effect or operation of hopes and fears on different mens' minds, respecting place and emolument, but by a most respectable independent body of men of landed property, who supported government upon principle and conviction, namely, the country gentlemen. No man had an higher respect or veneration for this description of men than he had. He knew their value; he loved, he revered them. He was bound to them by sentiment as well as opinion. People are always prejudiced, as it were, by those who think and act with them. He was bound to them by affection, and it was with infinite pleasure he beheld, upon that memorable night, the 6th of April, that out of the whole body he missed but two or three who differed, he presumed, from their brethren, upon motives perfectly justifiable in their origin. He had every reason to believe that they were actuated by opinion, and not by servility. They might entertain an idea that the propositions were untrue, or the time unseasonable, for the reform; and, possessing these sentiments, they were not wrong in avowing them. He made no doubt, be the event of the division what it might, that he should be accompanied by persons of this description into the lobby, by the whole body of country gentlemen, a few excepted, who might continue with the minister upon principle.

The noble Lord's idea was however a good one, nor was it without an intended effect. On questions where the strength of both parties was nearly equal, a few votes were valuable, and the importance given to certain persons who might wish to rank themselves with so respectable a body was flattering. It sounded well, after arranging both sides of the House under the banners of party, to say that the honest, independent, and truly respectable, part of the House threw their weight into the scale of the minister, and made him successful.

But

But he begged the noble Lord to believe him that the case was exactly the reverse. It was the trained bands, under the well-known command of the muster-master-general; to borrow a term from his lordship, who carried every question in that House; it was those who were in possession of great emoluments of pensions and inefficient places: it was the contractors, whose profits within a single year amounted to almost a princely fortune; it was the subscribers to the loan; it was the man who could make thousands in a morning, by writing his name or being listed in the ministers loan; it was these men who in the midst of national misfortune and of public calamity, in the distress of a ruined commerce and of multiplied taxation, a depopulated kingdom, and a dismembered empire, were amassing fortunes by their servility, and growing rich by the support of measures which made other people poor. These formed the motley groupe which the noble Lord was pleased to honour with the appellation of country gentlemen. It was the men whose names were concealed in the ministers list of the loan; as well as those whose "strength of nerves" emboldened them to stand forward as the receivers of eleven *per cent.* on the amount of their subscription. He was sorry that the honourable gentleman who spoke lately under the gallery [Mr. Courtney] had so much reason to complain that his part of the subscription was not larger. There was no man better entitled to it, for the minister profited by the strength of those nerves which served him both as pastime and support. These were the men who decided every question in that House.

Who could be surprised that the muster-master-general should have proved so victorious in the course of his several parliamentary campaigns? Who could be surprised, for instance, that he should prove victorious this night, however improbable, considering the expected issue in a light merely abstracted, unless he should have recourse to his memory! in that event he must recollect that upon a loan of twelve millions, one million had been snatched out of the pockets of the public, to be deposited: Where? why to be transferred into the pockets of this new description of country gentlemen, that only two days ago, three millions and a half had been voted without account into the pockets of a few favourite contractors; and that twenty millions is the annual expenditure, the profits on which are regularly divided among his friends and supporters.

The use made of the name of the country gentlemen by the noble Lord, he said, put him in mind of the glory obtained

tained by the several branches of the House of Bourbon : the Prince of Condé, while a stripling, is made general of an army ; he defeats his enemies : his fame blazes like a meteor ; he is held forth as a great officer ; and his military knowledge is said to be instructive ; the blood of Bourbon is the cause of his success ! but is this the real cause ? No ; it is not known that he is put to the head of an army, veteran, and disciplined, inured to arms ; and that he owed it to the knowledge and experience of his officers, the bravery and military valour of his troops. Shall we then ascribe the victories of a minister in Parliament to the country gentleman ! shall we say the most valuable independent, the most upright members of the community would contribute to their own and their country's ruin ! The idea is absurd ; every member of this House, who gives himself the trouble of attention, sees that it is not to the country gentleman, but to that formidable band of agents, contractors, pensioners, and dependents, to which the muster-master-general owes his success. These are the men, who, to raise a revenue, gave their sanction to the war with our Colonies ; no sooner had they done so than, actuated by timidity and irresolution, they abandoned first the revenue, and then the dominion ; nay, so unsteady was their conduct that they again changed their measures, and adopted that plan which has involved the country in ruin and distress ; he would venture to affirm that there was hardly a member of this House who would seriously maintain that America could be recovered by force of arms ; even administration themselves from experience know it to be impossible ; could there be any reason then for the prosecution of a war which afforded no prospect of success ! none, but in the mean and fordid motives of avarice and self-interest, which evidently actuate the minister and all that numerous herd of placemen and pensioners who lived by his smiles, and were supported by his power : was it to be supposed that a minister influenced by such principles would abdicate his office ! or that his adherents would abandon their interest ! No ; such an event was rather to be hoped than expected ; his safety depended on his continuance in office, and the moment he retreated he was undone. The condition under which he acts was positive ; it was determined that the wealth of this country should be dissipated, the blood of our fellow citizens spilt ! to what purpose ? merely to support his power and that of his adherents.

The honourable gentleman then endeavoured to shew the absurdity of the arguments made use of against his honourable friend's motion; before he should descend to particulars, he thought proper to avow that he was a delegate; and although he had not petitioned as a delegate, he should not have come to that House for redress, if he had not acted in that capacity; the truth was, that he and several other gentlemen were of opinion that the petition should have been signed and presented by them as delegates, while others, equally persuaded of the legality of the measure objected to it for this reason; that although the propriety of presenting the petition was almost universally acknowledged by the House, yet that of forming associations and appointing delegates was not. They were apprehensive that if the petitioners should come to Parliament as delegates that their petition would lose some part of that support so necessary to give it success, as gentlemen were not perfectly agreed on the doctrine, and even good men might differ on a point depending upon opinion. On that ground he gave up his original intention out of deference to the opinion of those with whom he acted; not out of apprehension of danger: he was persuaded there could be none; though no lawyer, he understood it to be law, that whatever rights he possessed as an individual he might delegate to another, if not restrained by some positive law or restrictive usage; and that whatever powers he, as principal, could legally exercise, his substitute was equally intitled to the same.

He could not help expressing his astonishment at what he had heard in the course of that evening; it was said, that acting as a delegate he could not come forward as an individual, or being considered as a delegate, the petition could not be accepted. The former he presumed was out of the question; the latter had been frequently answered: the argument amounted to this, that because he met, as a delegate from the citizens of Westminster, the delegates from the county-meetings, he was not Charles Fox, a citizen of, but a delegate from, the city of Westminster.

This was surely reasoning in a most extravagant manner; he would demonstrate its absurdity by an allusion of a familiar kind, and which would explain his sense of such a solemn mockery of common sense: should he call upon a person about business, and after announcing it should be answered, I do not know you as Charles Fox; I know you only as one of the representatives for the city of Westminster;

you may be Charles Fox, but if you are I cannot speak to you on the subject, because I know you before as a member of Parliament only."

This would be a very extraordinary kind of conduct, but it is upon such grounds they have attempted to defeat the object of this petition; we know, say they, that the persons who have signed this petition are freeholders and citizens; but we also know that they have acted as delegates from the associated counties; consequently we shall consider them in a character in which they do not come before us, and by this means exclude them from relief, and deny them that character which would at least entitle them to a hearing, and to a full investigation of the grounds of their complaint. He observed, that those who were called upon to maintain the propriety of the present motion, for sending the petition to a committee, were extremely unfortunate. In the instance of last year, when petitions were signed by four or five thousand names; and when these petitions were crowding in from every corner of the kingdom, what was the language: that the petitioners were so numerous as to create an alarm in that House; that their meetings were tumultuous, and might terminate in commotions; that they ought to be discouraged, and even suppressed; that Parliament were the exclusive judges of existence of grievances, and of the relief to be granted. Now a very different language was held; it was now said, that the petition ought not to be attended to, because out of the great body of the people of England only thirty four names had appeared at the end of it: and that even these had been procured by the artifices of a faction, whose grievances were imaginary, but to whose complaints there was no end; so that whatever way the argument was shaped, the answer was ready, that the object of the petition might be defeated: last year the petitioners were too numerous and formidable to be listened to; now they are too few and insignificant; oh! (say some gentlemen) the malcontents are not petitioners they are delegates; if they were petitioners they would be worthy of attention; but when last year they were petitioners and not delegates, they afforded just cause of apprehension for the quiet and safety of the kingdom. The commencement of the troubles, in the reign of Charles I. had been resorted to in the present case as a precedent: now however, when every pretence for apprehension was groundless, these few individuals were meditating, in secret, the subversion of government and the destruction of the constitution.

But, as in the first instance, these apprehensions were imaginary, he would now inform these gentlemen, who held the petitioners in so contemptible a light, that they were then, as well as now, equally mistaken, either through ignorance or design. The petitioners of the year 1780, were not actuated by the motives of faction or sedition; neither were the present petitioners so very insignificant as they were held forth to be. They represented the sentiments of eight great counties, which in number and property contained a majority of the whole kingdom; and he would venture to say, that of those counties, who did not petition, a majority would be found who were congenial in their political sentiments.

An honourable gentleman, who spoke lately, under the gallery, [Mr. Courtney] said, that in every government of a mixed or popular form, the middle rank of people were those whose voice ought to be more especially attended to. They were the true echo of the nation; that, equally separated from the contagious influence of a court and the temptations of indigence, they were placed in a situation which commands respect and attention. This was an observation that indeed carried an appearance of truth and plausibility; but experience, even so far as it applied to himself, proved to be totally fallacious. The sense of the people, or great body of the nation, was, in his opinion, the true criterion by which public opinion could be fairly determined. The people were now as well as then for the petitions, and he proved it by the most convincing of arguments, that of experiment.

He had been called upon by the citizens of Westminster in a very particular manner, before he had the honour to represent them in Parliament. He was called to their public meetings, and was in consequence of that temporary connection, deputed by them to present a petition to that House. Having complied with their request, he presented a petition signed with five thousand names. He was farther invited to represent them in Parliament at the next general election: he promised he would offer his services when an opportunity should present itself. A premature dissolution soon after taking place, the moment arrived when it became necessary for him to consult his friends and to weigh the probability of success against the numerous obstacles which stood in his way. Some of his friends spoke to him in what they deemed the language of prudence, that although five thousand people had made choice of him to present their petition to Parliament, he would find it a difficult matter to procure the suffrages of so great a number. They urged to him the powerful opposition
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meditated against him. They said enough to deter or discourage him from offering himself a candidate, but he knew the people; he persevered, and success was the consequence; for notwithstanding the great, natural, and family interest he had to encounter; notwithstanding the whole weight of administration thrown into the opposite scale; he, or rather the people, triumphed over every obstacle and every combination that was formed against him.

This was the consequence of the support of the people properly so called; they could not be bribed nor seduced; they were not to be corrupted nor deceived; nothing was left untried; it was a favourite object; but all the attempts made to defeat his election proved abortive. He was not supported by what is called the great, or what the honourable gentleman, under the gallery, called the middle class, but by the people at large, coming within all descriptions. And the motive which principally induced him to mention those circumstances, was, to shew that the people were friends to the petitions; for besides ministerial power and family connection, no art was left untried to disparage and lessen him in the eyes of the people; but how was this done? Not a syllable relative to his having been an associator or a petitioner; no, his antagonist knew too well that such a charge as that would prove the strongest recommendation; that charge was carefully avoided, but a charge of a very different nature was urged against him. It was said, he had voted for taking off some of the disabilities and severities inflicted on Roman Catholics, by the 11th and 12th of William III. Not a word of petitions; his crime was, that he had been a favourer of Popery. If, wishing to prevent men from being punished for speculative opinions, respecting religious matters were a crime, he gloried in the guilt, supposed to arise from acknowledging such an accusation. He certainly voted for that bill; and when a most tumultuous, outrageous, and daring mob, came to the doors of that House, to over-awe Parliament, and compel that House to a repeal of that act, he was one of the first who set his face against so daring an outrage. He was equally happy now, upon recollection, that he was likewise one who divided in a majority with the minister, in support of a bill for putting that matter upon a clear, equitable, and permanent footing.

Yet, after every means used to lessen him in the opinion of his present constituents, he prevailed. His being a friend and promoter of the petitions, proved a sufficient recommendation, and he was satisfied that the same spirit directed the conduct
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of the people in every other part of the kingdom. He would appeal to every gentleman present, who stood in the same predicament with himself, if they did not find themselves successful in proportion as they had proved friendly to the petitions.

He was convinced it was so; he had made every possible inquiry which could enable him to make a just estimate of the sense of the nation; and he had learned that fortune and success had uniformly attended those candidates, where a freedom of choice remained with the electors, who had been the promoters or supporters of their petitions.

The noble Lord, who spoke early observed, that the question was totally changed; since the last year, associations and committees appeared, not only in a speculative right, as tending to mischief, but had actually produced those mischiefs which had been so frequently predicted by several gentlemen in that House. The mischiefs he meant were the daring, dangerous riots or insurrections in the month of June; which, from their complexion and obvious tendency, were directed to the subversion of all government, to dissolve the constitution, and overturn all law.

He was ready to agree with the noble Lord in his description of the riots, nay, to execrate, in the strongest terms, every single step taken in that transaction, as well as to condemn the ministers, who were in fact, no matter whether by design, ignorance, or neglect, the real authors. Indeed, if mere appearances in the first instance, and consequences in the second, were to govern mens' opinions, a man, without being charged with an ill-founded suspicion, would be entitled to say, that they were the premeditated authors of all those horrid mischiefs which had been perpetrated by that execrable and horrid banditti. As he proceeded, he should assign his reasons why ministers, at least, in this point of view, as persons interested in the event, might be well suspected; at present, he should content himself with urging the charge of mere ignorance and criminal neglect.

A noble Lord, not at present a member of that House, was permitted with impunity, day after day, to use a language which, he would venture to affirm, was never before permitted to be used in a British or English House of Parliament, so long as the constitution was supposed to exist, or the three branches of the legislature were permitted, or not controuled by external force. It was not disorderly to mention the noble Lord to whom he alluded: he meant Lord George Gordon. That noble Lord not only pointed out what he thought,

thought, under the then existing circumstances, ought to be done, on certain great questions of law and policy, but what, as far as he was able, he meant to carry into execution or meditated. His predictions were strictly verified. The noble Lord was as good as his word. He told that House, if they did not acquiesce in his political opinions, that a certain class of people, whose director and whose mouth he was, would take the government into their own hands, and deal out that redress to themselves which ministers and the majority of that House professed an intention to deny.

The noble Lord, in almost every debate, for months together, held out a repetition of this language, and a succession of threats. Was not this endeavouring to over-awe the legislature? was not this attempting, so far as it went, to subvert the constitution? Ministers, nevertheless, remained silent and inactive. If these had been the reveries of an unsupported individual, ministers might have some apology; but the fact was, and it appeared by the Journals of the House, that there were great numbers, both in the metropolis, and in several parts of the kingdom, who united strictly in sentiment and opinion with the noble Lord; yet all this time ministers seemed to be in a state of indifference to what was passing; they gave themselves no trouble, but seemed to be waiting for the event, either as if they wished for it, or were totally regardless of the consequences.

Immediately before that fatal event took place, an incident happened, which took from them all apology or pretence; for the noble Lord so often alluded to, published an advertisement in all the newspapers, wherein the great outline of his intended plan was faithfully delineated. He invited all the Protestant Associators, to the number of several thousands, to meet him, not in a house, or hall, but in St. George's-fields! His reason was curious; for, besides confirming what he had so often foretold, that the Protestant associating petitioners, by their own power and number, would redress themselves, and compel Parliament to comply with the prayer of their petition, his Lordship observed emphatically, that there was no hall in the metropolis capable of holding forty thousand men. Three days successively did this advertisement appear, but still ministers slept. The day arrived; the petitioners, and the rabble who joined them, came down to the doors of that House, and fully and strictly verified his Lordship's repeated predictions; and that House was no more — Parliament was no more; convinced that there was nothing that

that those rioters could have asked, at the moment alluded to, which would not have been immediately and indiscriminately granted. Providence had ordered it to be otherwise; for certainly, such was the then state of things, that it was the interposition of Providence alone which could have rescued this country from total and inevitable ruin. The minute was critical; the people, stunned and astonished, began to recollect and recover their senses; they perceived the danger at hand, which ministers should have in time averted, and a combination of subsequent circumstances, of the most fortunate nature, united to save this seemingly devoted land. Riots of the most unheard of nature broke out in almost every quarter of the town; such, he believed, as never before broke out in any civilised country, in which the very mob got uppermost, and directed their savage attacks against every thing great, good, and respectable; against the sovereign power; the two deliberative branches of the legislature; the laws; and the magistrates appointed to administer justice in its highest as well as lowest forms. He would not enter into particulars; it would be painful; it would be mortifying. It was sufficient to observe, that part of this Gothic and inhuman rage was directed against his honourable friend below him, who made the motion; and that by the most unprovoked collection of lawless ruffians, and incendiary villains, he believed, that ever before disgraced any society since the first establishment of civil polity.

The noble Lord's language, who had spoke early, might be applicable at a former period, when mens minds were agitated with hopes, fears, resentments, and vague suspicions; but he confessed he was astonished to hear his Lordship draw, from a single fact, two conclusions direct or implied, which the fact by no means warranted. First, that the riots were the offspring of the petitions; and, secondly, that the mischiefs which were committed by the rioters, were a good ground for discouraging petitions in times to come. In the first place, he would tell the noble Lord, if he was still ignorant, that no man more sincerely abhorred and detested the conduct of the rioters than the promoters and friends of the petitions, both within and without doors; that they were marked out by this banditti as the objects of resentment, as much, if not more than even ministers themselves; and that so far from hurting their interests as candidates in the several counties, cities, and towns which they wished to represent, the fact was directly the reverse; for the petitioners, almost to a man, succeeded; while it was known to the constituents, who

who sent them to this House, that both equally joined in a just abhorrence and detestation of those lawless rustics, whose object was not reformation, but a dissolution or subversion of all government, and consequent anarchy, plunder, conflagration, confusion, and ruin.

He would not say, that the noble Lord, who was the innocent or criminal first mover in those horrid outrages and Gothic barbarities, had any design; nor whether motives of a very criminal nature might not be concealed under it; but certainly suspicions were entertained, that he had been set upon this business by ministers, in order to strengthen the hands of government, then trembling and feeble. He did not look so far, and therefore formed his opinion upon *prima facie* evidence, that the noble Lord was in earnest: but still he could not help observing, whether there was any communication or not between the noble Lord and any of the heads of administration, because the friends of the same administration now contended, that the delegates, or petitioning representatives, of so respectable a body of the freeholders of England, are, if not directly threatened for assembling and acting as delegates, charged, at least, with the commission of a crime for so doing; and told, that they are amenable to the law for that conduct, and ultimately liable to punishment, though the advertisement alluded to, and the assembling in St. George's-fields, in consequence of that invitation, was what the ministry and the crown lawyers have since called levying war within the realm, which they afterwards worked up into a specific charge of high treason. When he said this, he did not mean to be understood as subscribing to this crown or ministerial law doctrine; on the contrary, it was clearly his opinion, that it was not founded: he only mentioned that circumstance, in order to shew how much higher favour the noble Lord stood with administration than the petitioners did in behalf of a majority of the freeholders of England. The noble Lord, according to this ministerial doctrine of constructive treason, might meditate and announce an intent to commit treason, or actually commit it, so far as the intention could constitute the crime; while the present petitioners were in a manner proscribed for no other reason, than because they had presented a petition to that House signed by more than twenty names.

He should now go back, and make an observation or two upon what fell from the noble Lord, so often alluded to, [Lord Fielding].—The noble Lord said, the riots had secured to the

ministers a decisive majority in that House, particularly against any motion for reformation in the state, or innovation in the constitution, on account of the fatal consequences which the riots produced; and that men in power had displayed equal wisdom and vigour, in suppressing those commotions, as well as moderation in the exercise of that additional power with which the public preservation had necessarily vested them. The first assertion he had already fully answered, by demonstrating, that it was not the friends of the petitions who had any hand, directly or indirectly, in fomenting or committing the riots, but the ministers, by their shameful neglect and inattention; or from worse motives; and as to their wisdom or moderation, they were, he presumed, intitled to very little merit; or, if any at all, only that species or degree of merit which a careless or mischievous servant would be intitled to claim, who had permitted his master's house to take fire, and afterwards exerted himself in effecting its extinction; or perhaps the simile would be more fit and applicable, if he should say, of a servant who had wantonly set his master's house on fire, in order to establish a claim of favour, in proving his ability and skill in afterwards stifling it.

That the riots were a fortunate circumstance for this country he denied; on the contrary, it could never be recollected without a mixture of horror and regret: but he was ready to allow, that it was a most fortunate circumstance for ministers. At the moment that those riots commenced, administration were crumbling to pieces; and if they had been protracted, or had not happened, it must have suffered certain dissolution, as they would not have dared to meet the then Parliament again, nor ventured to call a new one.

After having, with his usual abilities, dwelt some time upon the circumstance that the breaking out of the riots operated to the political salvation of the minister, he next turned his attention to the imputed wisdom and popularity of the present administration. In contradiction to the first, he gave a correct outline, upon a small scale, from which it appeared that all our misfortunes were owing to the misconduct and fatal obstinacy of the King's servants, and as to their popularity, the pretence to any claim of that kind was out of the question. It was evident, he said, that they were equally mistrusted or despised, not only by the people at large, but what was more, by all the first characters in the two military professions, the navy and army, which presented a most melancholy and alarming aspect; because it involved this consequence, that when those appointed to deliberate, and those appointed

appointed to execute, were separated by distrust and want of mutual confidence, it was almost impossible that any measures should succeed, at least succeed to any happy or fortunate extent. Situated as this nation was, we required the most able heads to deliberate, and the most skilful hands to execute; but if men of the first talents in the profession were driven from the service, or discouraged from entering into it; if the moderate men felt this discouragement, nay, if the very avowed friends of government declined service, conscious that they could neither understand nor obey the orders or instructions under which they were to act; or, having obeyed them, that they were sure to stand unprotected by their principals, and be liable to public disgrace; where was the man romantic enough, however warm or zealous in his country's cause, who would dare to face such a variety of risques and difficulties, and that scarcely without the hope of being able to balance them by rendering the state any material service? It was out of nature—no such character could be found. He would however mention one exception, but that exception stood upon peculiar ground—he meant the gallant and fortunate Admiral now in the West Indies, Sir George Rodney, of whose high and meritorious services too much could not possibly be said; a man to whom his country owed every sentiment which gratitude and just admiration of his profession, skill, and indefatigable labours, could suggest. But it was well known through what channel, and by what means that officer was called into the service of his country; he had a near relation in administration; he would not say that was the channel, but he believed it was pretty well understood that he was not the choice of the noble Lord at the head of the admiralty.

He then, with his usual severity, attacked the whole body of ministers, and said he begged leave to make one exception, though the person meant was not in that but the other House. As an honourable gentleman justly observed, early in the debate [Sir George Yonge] that a man's independence was not to be measured by the greatness of his fortune, or the number of his acres, but by the frame and texture of his mind; by his disregard of trifles, or matters of little value, when weighed against public virtue. The man to whom he alluded, the Lord Chancellor, came within that description. He was able; he was honest; and he possessed a noble and independent mind. He was the only person who formed a part of the present administration entitled to the character. His reception and situation among his colleagues might be easily

grieved. They hated him for his virtues, they envied him for his abilities; they teased and thwarted him; they took every occasion to make his situation uneasy. But from his own great mental resources his spirit broke forth, expressive of the injuries intended, and the contempt in which he held them.

The honourable gentleman under the gallery, who possessed the happy knack of perceiving every object in all points of view but its true one, had, in his peculiar stile of ridicule, though by the grossest perversion of common reasoning and common sense, concluded, that those whom he stiled opposition, or with whom he had the honour usually to vote and divide, always exulted when bad news was received; because the more adverse our affairs turned out, the more unfortunate we were, the more likely the credit of the ministers would be affected, and of course the greater probability there would be of a change of administration. Now, if the honourable gentleman had been in the least acquainted with the subject, he would have drawn conclusions of a direct opposite nature from the same facts. He would have argued, that the more unfortunate and disastrous we were, the greater likelihood there was of the present set of men remaining in office. It was their blunders, misconduct, and misfortunes, which had proved their best recommendation. In proportion to each, their support and power increased, and if any just or certain estimate could be at all made, or drawn from experience, as soon as the public affairs came to be wisely or successfully administered, from that very moment their power, consequence, and existence, as ministers, would be at an end.

He expressed his astonishment, that gentlemen, particularly such of them as had sat for any considerable time in Parliament, should have so far mistaken its true nature and essence. It was observed, with much decent solemnity, that the last Parliament was no more; and that the present differed from it in many of its features, and in none more than upon the question now before the House, respecting petitions and a redress of grievances. He differed widely from those gentlemen who reasoned in that manner. He sat in the first session of the last Parliament, and he well remembered the temper of the House, and the decided, nay, very extraordinary majorities, by which the minister carried almost every question. He lived long enough after to see the opinion of the House nearly in equilibrio upon the presumed merit or demerit of the same minister. He was a witness to the same House, resolving, that the influence of the crown was increased, is increa-

sing, and ought to be diminished; and that it was the duty of the House to give immediate and effectual redress to the grievances of the people. These were some of the leading features of the last Parliament. When, therefore, gentlemen drew conclusions from the declared sense of the House, in the first session of a new Parliament, he wished to remind them that many things happened in the first session of a new Parliament, which, perhaps, did not convey its present sentiments, much less hold out a pledge to ministers that the prevailing sentiments of the time were genuine, or promised to be permanent.

In the heat of contest, in the diversity of opinion, it was impossible to speak with certainty and precision. He doubted not, but some who voted in the last Parliament might have had their particular reasons on both sides of the question; but, making all fair allowances, he looked upon himself intitled to say, that whether the resolutions of the last sessions were owing to its verging towards its natural demise, and these of the present session owing to their being rendered for seven years independent of their constituents, still a great, numerous, and respectable body of men stood forth the champions of the people and the supporters of the popular cause; the same men, who had remained unshaken in the most mortifying, unpleasant, and discouraging situations, would, whenever occasion rendered it necessary, act in any other capacity, which the voice of the people, the necessity of the times, or a call of duty, might render necessary. Their resolution, their manliness, their perseverance, had been manifested in their senatorial capacity so often that it would be needless to dwell upon the subject, or enter into particulars. The same mind, the same sentiments, the same style of thinking, and acting, would suit itself to every proper occasion which might present itself. The persons he alluded to acted from conviction, from a sense of duty; they were neither to be frightened, seduced, misled, nor corrupted. The same fortitude which had led them through so many trying situations, fitted them for scenes of greater activity and more personal hazard. His honourable friend [General Burgoyne] who had expressed himself so nobly, in the early part of the debate, had almost precluded him from avowing his own particular sentiments; but as he was on the subject, he thought he could not better express them, than by adopting those of his honourable friend, which were, that as he had devoted his life and talents to the people, and of course to promote the

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the good of his country, so, whenever he should be called upon by them, both were at their service to command, so far as the constitution and the laws authorised the call and acquiescence; he meant, so soon as any direct inroad was made on that constitution, and those invaluable and inestimable blessings and privileges it was meant to secure and defend.

Public virtue, he made no doubt, would always in the end triumph over public perjury or want of principle. Men of talents and sincerity had nothing to intercent their view of distant objects; nor were liable to have it distorted, or misrepresented, through a false medium. This was the case of his honourable friend near him [Mr. Burke] which appellation he deemed one of the greatest honours fortune could bestow on him; a man, who, with the virtue of one of the best citizens in the most virtuous and unsullied times, united the abilities of the first-rate orator; the mind and extensive knowledge of a philosopher; the learning of a real scholar; the manners of a gentleman; the humanity of a moralist; and the charity of a Christian. Yet none had suffered more. To his knowledge he had been hurt in a particular manner; in such a manner, perhaps, as no person but one of his frame of mind could withstand. This gentleman, disregarding all local prejudices, or personal motives, was of opinion, that the people of Ireland were intitled to the rights of humanity and commerce, which is included in those rights. He differed from his constituents (citizens of Bristol); as he had the honesty to tell them, so he had the fortitude to act up to his avowed sentiments. Ministers were deaf; this nation was infatuated; it was blinded by prejudice and a narrow policy. What was the consequence! That justice which could not be procured even by his eloquence, was sought and procured too in another manner. In what way? By the point of the bayonet. The associators in Ireland obtained by their bayonets what neither the noble labours of his honourable friend, the calls of justice, the claims of humanity, public gratitude, nor sound national policy, could effect. Ireland redressed her own wrongs; she healed her own wounds; she took a kind of satisfaction for her own injuries; she was, in short, free; she will be happy; for she has sixty thousand bayonets, ready to point to the breasts of her enemies, in case any attempt should be made to snatch from her her natural rights, to turn a deaf ear to her just claims of rank and protection.

The noble Lord on the same bench with him [Lord Maitland] had afforded him great satisfaction. His Lordship well said

said, that we enjoyed nothing, the instant he was speaking, but what we derived from committees and associations. We were indebted to them for the Revolution, and all the consequent blessings, advantages, and benefits which flowed from that transaction; for the Hanover family; the act of settlement; and in short, for every privilege we possessed as Britons, freemen, or Englishmen.

He entered pretty much at large into the subject of the promised advantages which might be expected from the appointing a commission of accounts; and seemed to be of opinion, that nothing serious or really useful was intended.

He contended, in point of law, for the propriety of appointing committees, associations, and delegates.

He could not help entertaining the House, before he sat down, he said, with a private anecdote. He knew it was not proper to relate private conversation; but as he meant to suppress the name of the gentleman, he hoped he should stand acquitted in the opinion of the honourable gentleman to whom he alluded as well as to the House. He was questioned by his friend relative to the signing the present petition; he hoped it would not be prophetic of its fate; but when his friend spoke to him, he told him, "If you should sign it as a delegate, by Heaven, you will be hanged; if as a petitioner, by Heaven, you will be laughed at." He did not run the risque of being hanged, for the reason before assigned; he now only run the risque of being laughed at.

After drawing a parallel between the administration of Sir Robert Walpole and the present, and endeavouring to prove the legality and right of the delegates to petition, he observed that the learned gentleman over the way [solicitor-general] had been taking notes all the evening, and was apparently preparing to rise to answer him. But what he had before observed, it was plain the learned gentleman was puzzled, as he had for upwards of fourteen months been making up his mind. He hoped he had at length taken a decided part, and that he would not go away, as had been customary with him heretofore, without voting; and for this reason, if for no other, that an honourable gentleman near him [Mr. John Townshend] who, though intending to prosecute the study of the law, to which he had yet dedicated but two years of his time, informed him in a whisper, that he intended to vote for the question! His honourable friend was the learned gentleman's colleague (both representatives for the city of Cambridge) he hoped therefore that the learned gentleman would emulate his colleague, and determine

determine in his own mind, one way or the other, whether or not petitioning was illegal.

Mr. Solicitor
General.

Mr. Solicitor General, of England, rose in reply: he acknowledged, that he had been taking notes, and preparing to say a few words on the subject before the House, as had been observed by the honourable gentleman who spoke last, [Mr. Fox] but he could by no means agree with that honourable gentleman in the observations made by him on his former conduct, when the present question has been discussed in the House in another form.

No man had a higher opinion of the great oratorical powers, and uncommon, and almost unrivalled, talents of the honourable gentleman; but he trusted he was not so totally bereft of the ability to discriminate, compare, and decide, as to be blinded by a mere glare of talents, when opposed, and apparently subversive of the very first principles of common sense and common experience, as well as destructive of every sound rule of judgment, formed upon, or connected with, fair arguments and conclusive deduction.

Before however he proceeded to debate the question, he wished to set the honourable gentleman right, as to a fact which he had stated with great confidence; a fact misrepresented, or rather totally unfounded, and which he presumed was not through design to misrepresent or mislead the House, but merely from a want of recollection, or from misconception altogether. The honourable gentleman had represented him as doubtful whether the freeholders, citizens, and burgesses, of this kingdom could constitutionally present a petition for redress of grievances? the honourable gentleman said, he had been fourteen months making up his mind on the subject; that he had hitherto declined to give a decisive opinion one way or the other; and by the preparations he was making, the honourable gentleman expected to hear him that night, for the first time, give a specific opinion, and seal it with his vote, which he had always hitherto withheld.

The truth was, that the opinion he meant to give that night, was the same he had declared upon a former occasion, when the question was first agitated; and that was, that the opinions alluded to, were not upon the legality of presenting petitions, but the mode, propriety, or necessity, of framing and presenting them; as to his having spoke on a particular evening, and having gone away before the question was put, it was true he had done so; but his motives were misconceived: he sat till twelve o'clock, and as he foresaw that

that it would be a very late night, full of confusion and altercation, and finding himself rather indisposed, he thought proper to retire before the division took place.

So much he thought proper to say, in point of explanation, which fairly amounted to this; that the opinion he should deliver this night was the same he delivered last session; that he had neither hesitated then, nor since changed his mind; and that it was not his doubts, but the reason which he had assigned, which was the cause of his going home before the House divided.

He had ever understood, that the right of petitioning for any legal or constitutional purpose was perfectly justifiable, and it would be idle to trouble the House with so self-evident a position: he had attended with some degree of attention to the discussion of the subject, so often as it had been debated in that House, and he did not recollect a single instance in which that position was denied in direct express terms; he would therefore remind the honourable gentleman, if any farther proof was wanting, that he had not waited to make up his mind upon a point which no man controverted, and upon which, if he had hesitated, he must have stood single. As to the mode and occasion of petitioning there were various and contradictory opinions; and here he doubted he may have continued to stand single, and must continue to do so. He had himself, upon two or three former occasions laid down the law, and the right springing out of it upon as general and broad a basis as any man in that House of any description; as even the honourable gentleman himself; but while he was willing to maintain the right in its fullest extent, his duty as a member of that House, and his zeal as a citizen and a subject, pointed out to him the necessity of qualifying and explaining that right, to shew where it was proper or might be dangerous to exercise; and to state such exceptions as were necessary for the maintenance of the public safety, of good government, and for the preservation of the constitution itself. Regard was first to be had to the constitution; the sovereign power of the legislature was to be maintained; that House had its constitutional rights as well as the people, whose representatives they were, and for whose behoof they acted as trustees; and the true description of the right object and consequence of petitioning was, that it did not usurp upon any other of the privileges or rights of any of the other powers created by the constitution: whenever such usurpation was made, the constitution

was raised; and whether that House should deny the right of the people to represent, or that the people should compel their representatives to act against their judgment, it would be the same in effect; the powers of the constitution would be suspended and all legal government subverted.

After having fully explained himself on this head, he proceeded to demonstrate, that the petition did not come before the House in such a manner as to entitle it to be sent to a committee. In one sense it imported to be no more than a petition signed by thirty-four persons, who he was ready to acknowledge were men of the utmost weight and respect; but, as individuals, by no means of that weight as to entitle them to be considered equal to a majority of the freeholders of England. Take the petition in another point of view; that the petitioners being delegates of eight respectable counties, their petition was such, as fully justified the motion of the honourable baronet, that of being referred to a committee of the whole House, and the relief refused or granted, according as the House should conceive the allegations well or ill founded. For his part, after making every inquiry, and used all the industry he was master of, he was still a total stranger to the grounds the delegates could come to that House for redress. They were a description of men in his apprehension unknown to the constitution; but granting for a minute that they had a political existence, had the House any evidence how they came to be constituted; how, or by whom they were appointed! If, by committees, who appointed them committees; whether by a party, a majority, or minority, of the freeholders in the respective counties, &c. These were questions which would naturally suggest themselves, and which would require to be not only fully but satisfactorily answered before any judgment could be formed how far, if fairly appointed, they were legal, or their petition could be received by that House; or, if legal, whether they were a faithful representative of the county, city, &c. by which they were supposed to be delegated?

He argued this part of the question very ably; first on the ground, that the freeholders names signed to the petitions, as mere freeholders and citizens, were not of sufficient weight, considered as individuals, to call forth the particular attention of Parliament, or induce that House to come to the present vote. Secondly, that there was no proof before the House that the delegates were the representatives of those whom they purported to represent; and lastly, although they

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were, that they were a legal body recognised by any of the forms or stages of the constitution.

So much had been said by other gentlemen, relative to the possible danger or mischiefs which might flow from the House paying an attention to the petition, as coming from the delegates, that he should add very little on that subject; that it was a matter of mere speculation, whether the associations so often alluded to, had any tendency that way or not. Those, who argued against such assemblies, he had a right to presume argued from what they deemed just and well founded apprehensions. Those who approved of them, at least a great majority, it was fair likewise to presume, thought them legitimate and praise-worthy. In reasons and arguments thus balanced, he would just observe, that though the measure should be necessary, it was attended with danger; because when such associations were entered into; when the minds of men were agitated, and carried forward to objects of reformation, and in some instances of avowed innovation; no man could say where it would end. National ferment once created was not easily quieted; and the views of the ablest men might be obstructed, and themselves overborne by that power to which they had undesignedly given an existence, in order to promote the most beneficial purposes; but which in its exercise might be employed not to the maintenance, preservation, and improvement, of the constitution, but to its final overthrow and utter subversion. He would suppose, for an instant, that the prayer of the petition was reasonable; that Parliament should nevertheless turn a deaf ear, and refuse the redress sought; and that the delegates were vested with a legal and constitutional authority, to controul or compel Parliament to an acquiescence in their desires. He would defy the honourable gentleman who spoke last, or any other gentleman in that House, to point out the means of reconciling this power to the existence of the constitution; or argue upon any one possible supposition which would not radically affect every claim to property, rank, and all kind of political establishment, if the rights of Parliament were, as they must in the event be, either suspended or subverted.

He was induced to consider this doctrine in plainer and more distinct terms, on account of something which fell towards the conclusion of the honourable gentleman's speech who spoke last. The honourable gentleman, in speaking of the conduct of the people in Ireland, had made the eulogium of the associators of that kingdom in the most strong and

warm terms. He was convinced they justified by their conduct every thing the honourable gentleman had said in their favour; but he differed widely with him as to the ground of merit. He approved of the conduct of the Irish associators, for their waiting with temper and confidence for the redress of their grievances till affairs were ripe in this country, and till it might be expedient, consistent with the peace and happiness, and consistent with the duty and wisdom of government, to administer relief. The honourable gentleman said, that it was the persuasion conveyed by the points of sixty thousand bayonets, that made converts of the British administration; he denied the fact, and the conclusion drawn in the manner and for the purpose stated. That the people of Ireland had armed, and associated, was well known; but that they armed and pointed their firelocks, or sixty thousand bayonets, to the breasts of Englishmen, or pointed them against this nation, he never would allow. They armed for their own defence, against the foreign and inveterate enemies of their country, not against their brethren in England, or their sister kingdom; in order, in the midst of her distress, perils, and embarrassments, to extort concessions from her destructive and totally subversive of the natural and political union subsisting between them. Such a conduct, to call it no worse, would be base, unmanly, and uncandid. It would be beneath a generous nation, and unworthy of her well known national character. The truth was, a narrow exclusive policy had prevailed in this kingdom, as unwise as it was unjust. The persons composing the British ministry saw the interest of both countries in its only true light; they perceived it could be only founded in reciprocity and a mutuality of benefits, and that it was mad as well as cruel to deny to that country its natural and geographical advantages; the nation at length adopted their sentiments; the consequence of which was, that the two kingdoms, which had been always firmly united in affection and political connexion, were now equally united by the strongest and most indissoluble tie, that of interest.

He could not avoid taking notice of some strong expressions, which were nearly connected in arrangement and sentiment with the opinion entertained by the honourable gentleman, of the use of the people of Ireland intended to make of the sixty thousand bayonets. The honourable gentleman said, that in the course of a long and unsuccessful struggle, made by him and his friends in opposition, to the

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members of the present administration, a firm compact and impenetrable phalanx had been formed, whom no mortification or disappointment could discourage; whom no temptation could seduce; and which no exertion of power, however formidable, could appall or subdue. They had hitherto withstood every attempt to shake their integrity, to create fears, to alarm their apprehensions, or deter them from a manly and firm resistance, to the professed designs of unprincipled and ambitious men. The honourable gentleman went still a step farther; he prophesied, that the same men, possessing the same minds, if called upon by the people, were ready and willing to obey that call whenever it should become necessary. This was strong language indeed! or it imported nothing. It could not allude to a perseverance in a mere parliamentary opposition, such as the honourable gentleman had so repeatedly promised, and in the instant he was speaking, had pledged himself to: if it was to be received in any sense, it must be, that the honourable gentleman, and his honourable friend under the gallery, who held the same language early in the debate, [General Burgoyne] were ready, without any qualification whatever of the motives or justice of the call, to seek redress in some manner, not as yet defined or prescribed by the constitution. Both those gentlemen were delegates; they had both signed the present petition as individuals; if for no other reason then, he should be against giving way to the desires of persons, who, while by their petition they acknowledged the supremacy of Parliament, seemed to think Parliament to be a subordinate power in the state, when they professed their readiness to gratify the wishes and obey the call of the people, when the people should think it necessary or expedient.

He dwelt a considerable time on this argument, and said, while he totally condemned associations, committees, and delegations, for the effecting certain purposes, he must agree with the honourable gentleman, and was sorry to differ with several honourable gentlemen who spoke on the same side with himself, that the riots, in the month of June, were produced by the petitions presented to that House in the preceding spring. He coincided in sentiment with the honourable gentleman, and was persuaded they had not the least or most distant connection. He only dissented from the honourable gentleman in one circumstance, relative to what he was pleased to call the crown or ministerial doctrines, respecting treason, within the statute of the 25th of Edward III. for he took it to be clear indisputable law, whether

ther the offence was called positive or constative; it had from that time downward, to the instant he was speaking, been held as law, that over-awing the legislature, and thereby compelling it to enact a new law, or to rescind or repeal an old one, whether the force was arrayed, armed, or unarmed, was deemed a levying war within the realm, and consequently was included in the description of that species of treason, as provided and declared by the statute of the 25th of Edward III.

The honourable gentleman had arraigned the conduct and condemned ministers in very confident and severe terms, and, as usual, adduced the American war as a proof of it, and supposed, that every person in that House, who supported it, had done so upon the most abandoned and corrupt motives. It was not his intention to rise to defend the character of the noble Lord in the blue ribbon, he neither offered his assistance, nor did he know, if he should, that it would be accepted of, or favourably received. But this he would say, that the American war was become necessary, and called for no such aid as corruption or self-interest for its support. The honourable gentleman supposed, but for motives of self-interest; for the possession of power, place, and emolument, for contracts, douceurs, and subscriptions in the loan: that ninety-nine of those who heard him would unite in reprobating the war. A learned friend of his, Mr. Dunning, on the day he proposed and carried his resolutions to open alhuded to in the debate, (6th of April, 1780, committee on the petitions,) made use of an argument of a similar kind. He referred the committee to the language held out of that House; to private conversations, or conversations in the street. He confessed, such a species of proof did not bring home conviction to his mind. He was not taught to collect the sentiments of men acting in a public capacity from a random computation of ninety-nine out of an hundred, or from whispers or private colloquies, or running conversations in the street. He had learned to measure the real opinions of public men by a very different standard; namely, by their public conduct, for which they were only responsible to their country and constituents; not to their private conduct, of which, as senators, no man could properly know, nor of course judge or decide upon.

He could, however, say a few words from what he felt from his own immediate experience. He was free to declare, that from the beginning, he disapproved of the American war;

war; the principle on which it was commenced; and fore-saw, in a great measure, all the disastrous consequences which followed. He was free likewise to declare, that it was the most unfortunate war; but when he said this he begged leave to add that the question was entirely changed. The war, though operations were carrying on in America, could not, properly speaking, be deemed or called the American war. From the moment France declared and openly took a part in the quarrel, then subsisting between us and our own subjects, it was no longer civil dispute between the sovereign power and a part of its subjects, but in every sense a war waged with our foreign enemies, no matter where the scene was changed. When, therefore, he saw a majority supporting the American war, he could easily conceive, that their reason was to crush the various enemies of this country, who were all struggling for that object. The learned gentleman concluded his speech with declaring, that though he was an enemy to associations, there were occasions when they might be legal, and when even resurrections would be constitutional.

Mr. Dunning replied, at length, to the arguments of the Mr. Dunning gentlemen who had contended for the illegality of associations and delegations; and, with his usual energy and precision, supported this great privilege of the subject, as strictly conformable to the spirit of the constitution, and not contrary to the letter of the law. The honourable and learned gentleman who had spoken last, found it necessary to begin with explanation, that he might not end with inconsistency. Undoubtedly the learned solicitor had enough of ingenuity and good sense to discover that indecision was no longer necessary to success; and that, as he had gained his point without doors, it was now his business to make himself useful within, and to exert those great talents which he had so laudably improved by study, in the service of that minister, whose penetration had raised him to his present rank. It was therefore idle in gentlemen to remind him of former inconsistencies, since it would be no reason for present or for future deviation. The learned gentleman, when it was necessary, had reasonable indispositions; and who would say, that twelve o'clock at night was not a becoming hour for all good men, and especially for a Solicitor General of England, whose office required from him the duties of admonition and example, to go to rest! He had not a doubt but the learned gentleman would in future prevent the possibility of retrospective accusations; and after having adopted his

his line, though he was slow to choose, would be steady to pursue. He would not wish that the gentleman should on this, or any night, be attacked with indisposition; but he would beg leave to recommend to the gentlemen, as it was already approaching to the hour of twelve, to observe the decorum which he termed in every occasion so much to admire, and leave the division to those men who, even before the general election, were confident or unwise enough to take a decided part.

Great abilities, and greater industry had been exerted, he said, in the vain endeavour of maintaining, that associations, committees of correspondence, delegations, and petitions, to that House, signed with more than twenty names, were contrary to law and the constitution. He was sorry to see talents and industry employed so idly; but indeed it required labour to give any thing like a colour to such a doctrine. After what had been so ably advanced by gentlemen on the same side of the House with himself, it would not be necessary to enter into a tedious repetition of the question of law. It was a clear fundamental point in the constitution of the country that the people had a right to petition their representatives in Parliament, and it was by no means true, that the number of names signed to any such petition was limited. The act, which passed in the reign of Charles II. prohibiting, under the penalties therein-mentioned, any petition to be presented to the King, or to either House of Parliament, if signed by more than twenty persons, for altering the religion or the laws, was completely repealed by that article in the bill of rights, which declares, "If this article meant any thing, it meant to restore to the people that great privilege which the act of Charles was calculated to abridge, if not to take away." The House, in deliberating on this point, ought to refer to the cause of that declaratory article. The abridgement of the privilege of the subject, by the act of Charles, gave rise to the demand on the part of the people, and the declaration on that of the crown; in consequence of which the privilege was restored, and the right established again in all its force. To argue that the act of Charles was now in force, would be as puerile and absurd as to contend that the prerogative of the crown still remained in its full extent, notwithstanding the declarations in the bill of rights. The same argument went in favour of prerogative that was alledged in favour of the act of Charles. If then it was true, that the people of this country had a right to petition the legislature, they had a right to assemble together for that purpose, and while

while their meeting was sober, peaceable, and orderly, it was strictly legal. But it was said, that associations were unconstitutional, and committees of correspondence and delegations; arguments were drawn from the Scottish history to prove that they were dangerous, and from the history of France to prove that they were unconstitutional: the honourable and learned gentleman, who had taken this method of supporting the proposition had betrayed its poverty; he must indeed, be pressed for arguments, when he had recourse to the example of countries, which were either involved in despotism, or torn by disorder, for the proof that was required. In this kingdom it was the pride and the happiness of the people, that the laws considered the intention, and the guilt or the innocence of an action depended on the *que anime* with which it was committed. Associations, committees of correspondence, and delegations were not criminal, merely because they were such, but their illegality was deduced from the intention with which they were formed, and the design which they had to pursue. There were many associations in this country patronised even by the crown and recognised by the legislature. Associations for the purposes of commerce, of benevolence, or of science; there was nothing terrible in the name, nor would they either be a bit better, or a bit worse, if they were to assume any other name, and call themselves companies, congregations, bodies, assemblies, or even congregations, every thing depended on the nature of the institution. If an association was begun for the purpose of curtailing the legislature, of destroying one of the three constituent branches, of dethroning the King, of resisting the execution of the laws, of altering the established religion of the empire, or in short, of committing any violence contrary to the constitution, and subversive of order, government, and domestic peace, it was certainly illegal and highly criminal; it was an association which ought to be resisted by the civil authority, and suppressed by the intervention of the laws; against such an association the laws had sufficiently armed the executive power, and ministers would be traitors if they suffered either by wilful treachery, or blind negligence, such an association so far to grow and strengthen itself, as to be able to surround the Parliament, and with arms and military array, over-awe their proceedings, and force them to what they pleased; but an association even of this nature would be legal in certain circumstances; if even a period should arrive, when the three branches of the legislature, the King, Lords, and Commons, should by an unconstitutional coalition meet in one mass, and fail to have distant opinions, and distant independance;

if the Commons, forgetting their origin and their duty, should become the slaves of either or of both the other powers, then it would be no longer illegal for the commonalty of Britain to resume their just share in the legislature; and the means by which they accomplished this, whether it was by associations, by remonstrances, or by force, would be not right but laudable; it would be an honourable imitation of the conduct of their ancestors, by which their constitution had been wrested from the rapacity and from the violence of prerogative; in short, associations were always to be justified or condemned by their intention; and in order to form a just estimate of those which had lately been formed in the most respectable counties in England, it was necessary to inquire what was their purpose, and what had been their proceedings; had they been sober, quiet, and peaceable in their department? or had they by acts of riot and violence menaced the legislature, or disordered the community? Their greatest enemies could not charge them with uproar, or even with heat; their proceedings had been grave, deliberate, and orderly; they had met to exercise a lawful right, that of petitioning their representatives in Parliament; and in doing this, they had observed the most steady decorum, and the strictest regard to public tranquility. The express tenor of their associating, was to support, by legal and constitutional measures, their petition to Parliament for the redress of their grievances; until they deviated from this resolution, and were guilty of measures illegal and unconstitutional, the imputation could not be thrown upon them; but they had formed committees of correspondence, and these committees had appointed delegates, and from this measure conclusions were drawn against them. Before a hasty decision was made however, it was fit to see whether there was any thing in the delegations different from that body which formed them, and from which they received their powers. Was their purpose different? no; it was confessedly the same. What was the nature and extent of their powers? to endeavour by all legal means to give effect to the petitions of the people; by all legal means, the instant that they went farther, they went beyond their powers and lost the title which they had received. Was there ever a petition presented to that House, when there were not some persons, more or less in number, in proportion to the importance of the object, who were not delegated to attend the progress of the petition, charged with instructions to concert, advise, and agree on the best means of accomplishing the wishes of their constituents? Was this illegal? Certainly not;

not; it was practised every day, and whether such persons had the name of delegates or of agents, it was a matter of perfect indifference; the appointment was the same, as well as the design, and they were both to be brought under the same decision, either of legality or illegality. All this the learned gentleman thought proper to say, although he knew it, he said, to be foreign to question, because it had been the foundation of all the arguments against the petition on the table; that it came from men, who in another place, but not in that House, were suspected by some persons, who, upon most subjects would not admit of suspicion or even of notoriety as a ground for argument, to be delegates; it was idle and ridiculous to set up such a reason; there were no delegates before that House, they knew of no delegates, and they could reject no petition on account of its having come from delegates, because no such petition had come, nor was before them. The learned gentleman with his usual energy, adverted to several of the arguments that had been advanced on the other side, and contended that the House ought to agree to the motion as a matter essentially due from them to the almost unanimous requisition of their constituents.

Mr. *Attorney General* spoke in answer to the learned gentleman, and disagreed with him in his idea of the repeal of the act of Charles II. by the declaration contained in the Bill of Rights. It was very true that the Bill of Rights declared that it was the right of the subject to petition, but it by no means said that it was their right to petition in great bodies, and by its silence it seemed to acquiesce in the act of Charles, rather than to repeal it. He referred to the language and opinion of Lord Mansfield, among other law authorities on this point, and quoted his words, on the charge delivered by him to the jury on the trial of Lord George Gordon. He said the clause mentioned in the Bill of Rights had reference only to the case of the seven bishops, who had been brought to trial for petitioning James II. relative to his proclamation for liberality of conscience, issued under that pretence, but intentionally to favour his popish subjects, who laboured under numerous disabilities created by laws.

Mr. *D. Coke* spoke with some heat of a resolution of the court of delegates, published in the news-papers, in which his name had been mentioned with unbecoming freedom.

Lord *Mabon* rose, he said, to explain to the House why his name was not signed to the petition. It was from no dread of the consequences, and from no difference of opinion: but he did not clearly know whether his instructions autho-

rised him to go so far. His instructions as a delegate from the county of Kent, were to advise and concur, not to petition.

Mr. Charles Turner. Mr. *Charles Turner* argued warmly for the petition, and commented with keen severity on the arguments of those who had endeavoured to bring objections to the motion, by calling associations illegal. He revered associations; it was by associations that we were made a free people; and if ever we are to be delivered from our present situation, and restored to what we were, it must be by associations.

Lord Surry. Lord *Surry* spoke a few words in support of the motion: The question being now loudly called for, the House divided; when the numbers were, Ayes 135; noes 212.

May 9.

As soon as the ordinary business of the day was over, Lord *North* rose, and apologised to the House for being once more under the necessity of moving to discharge the order of the day, for taking the affairs of the East-India company into consideration; but such was the state of the negotiation between him and the directors, that though he could not say with certainty that propositions were made on their part, which he, as an individual member of Parliament, could undertake to pronounce altogether fit to be submitted to that House, yet that there was a great probability of such propositions being before him in a few days. He therefore hoped the House would permit the order to be discharged, and renewed for that day week.

Mr. Burke. Mr. *Burke* rose with a degree of unusual warmth, and said, it was high time the noble lord should determine the business one way or another. Were they to have the matter of a renewal of the company's treaty submitted to them this year, or were they not? It was idle, and a contempt of Parliament, to talk, on that day [the 9th of May] of bringing a subject of so much importance before the House this session. Gentlemen knew what sort of attendances were likely to be given after that day, and if they had turned their minds to the subject at all, they must be convinced that the affairs of India formed a consideration extremely intricate, weighty, and comprehensive; a consideration which would require much discussion and much inquiry. For the noble lord, therefore, to come down week after week, and say, the directors were not ready with their propositions, was treating Parliament, as the noble lord was too apt to treat it, with contempt; the directors perfectly well knew what sort of bargain they could afford to agree to, if it were possible, under

der the present circumstances of the company. Their minds must, long before this, be made up to the circumstance, and it was absolutely trifling with that House, to ask for another week; did he mean really and *bona fide* to inform the House next Wednesday, how matters stood between the public and the company, or did he not? It was high time that an end should be put to the fallacy.

The minister knew very well that the charter must be renewed; and therefore though Leadenhall-street might be to blame for being so tardy in its proceedings, still the minister was not less so for not bringing the matter before Parliament. The business was, perhaps, of the greatest magnitude of any that had ever been discussed within those walls, yet there was not a single paper moved for, by which the House could be directed in forming a judgment: they perhaps would be called upon to declare to whom the territorial acquisitions and the revenue in India belonged, whether to the company or the Crown; and they had not a single document before them, which might assist in forming an opinion on the subject. It looked therefore, as if the minister wished to cheat them into a judicial decision, without suffering them to hear evidence. The minister was endeavouring to draw a revenue from the company; but was he taking any steps to secure them from bankruptcy, by supporting their credit? Whatever might become of their investments, if the territorial revenue was taken into the hands of the Crown, bills must, and would come, from India on the company; and their credit must be supported, or the idea of a revenue would be absurd.

Sir Grey Cooper rose, he said, to speak to order. He was ^{Sir Grey} sorry to interrupt the honourable gentleman, but really he ^{Cooper.} must beg him to keep to the question: at present the subject before the House was not how able the East-India company were to give the public an advantage for the renewal of this charter; nor was it the proper time for the House to discuss the merits of the question, respecting the territorial possessions; but whether the order should be discharged or not.

Mr. Burke rose again, and informed the honourable gentleman that he perfectly understood what was the question, ^{Mr. Burke.} and with all becoming submission to himself he conceived that he was speaking perfectly in order when he was giving his reasons why the House ought not, either in regard to their own dignity, or to the importance of the subject, discharge the order before them. They ought either instantly to come to the subject, or to call for such papers as would give

give them an opportunity of informing themselves on the point, that when they come to discuss it, they might not be as much embarrassed as the noble lord in the blue ribbon seemed to be. His conduct on this occasion had been highly disrespectful to the House as well as injurious to his country; and when the present motion was disposed, he should think it would be proper to move that the House should on Wednesday next proceed to inquire into the conduct of the noble lord in the blue ribbon, with respect to the East-India company.

Mr. Secretary.

Mr. Secretary at War rose, and said the noble lord had treated the House with every possible respect in regard to the India company. That he had given timely notice of what he thought it necessary to state to the House upon the subject. That since the holidays, the noble lord had opened the business pretty largely, and had informed gentlemen how matters stood at present, and what he considered as the proper mode of proceeding. With regard to the renewal of the company's charter, Mr. Secretary said, he conceived that it would be better to settle this business this year than put it off to another session; a variety of reasons would offer themselves to gentlemen's minds in proof of this assertion; and gentlemen must see, that in the agitation of a treaty of that kind, some time must necessarily be spent.

Gen. Smith.

General Smith contended, that it would be wiser, considering the present uncertain situation of the company's affairs in India, to bring in a short bill, as an honourable and worthy member [Mr. Dempster] had a few days since advised, for continuing the company's charter one year longer, than to make any definite bargain just at this crisis. The General stated, in support of this advice, that at present the company were uninformed as to the real state of their affairs in the Carnatic, and of the late eruption of Hyder Ally, and consequently could not with certainty fix their ability to make a bargain which would be of advantage to the public. By the next year all this doubt would be removed; the company would certainly be perfectly masters of the late transactions in India, and could better say, to what they were enabled to accede. The General therefore strongly pressed the noble lord to bring in a short bill, and take the matter up coolly and dispassionately in the early part of next session.

Lord North.

Lord North expressed his astonishment at the warmth with which Mr. Burke had spoken, and said he was not conscious, either on the present, or on any other occasion, of treating the

the House with contempt. He was sure nothing was farther ther from his intentions; and, with regard to the East-India business, he could not but imagine the honourable gentleman had misunderstood him, since no part of his conduct appeared to him to merit the least reprehension. He had, as his honourable friend had stated, given notice before the holidays, of his intention to open to Parliament certain matters relative to the present situation of affairs between the East-India company and the public. That notice he had been induced to give, in consequence of the company's not having offered propositions for a renewal of their charter, as he expected they would have done. In pursuance of that notice, he addressed the House soon after the recess, and stated a variety of relative facts. Since that day the chairman and deputy chairman had been with him, and a good deal of conversation had passed upon the subject, which he was given to understand would be, between this and Wednesday next, submitted to the judgment of a general court of proprietors. It appeared to him, that matters might be put in a more fort of train, by negotiation being agitated, and when they were so, he meant to submit the whole to the House, who undoubtedly were alone competent to ratify any bargain. Such had been the whole of the transaction; and he was at a loss to know to what part of his conduct in the business blame was imputable.

The order of the day was discharged, and it was moved, that the business be taken into consideration next Wednesday, which was carried.

Mr. Burke then rose, and said, he knew not whether he Mr. Burke. should conclude with a motion or not. But possibly a motion might grow out of the conversation, and that would be perfectly consonant with the order of Parliamentary proceedings. Mr. Burke then went into a warm discussion of the present state of the India company's situation, and asked the noble Lord, whether, as well beside making a new bargain with the company, which must, he said, be a bargain in the air, he had turned his mind to preparing a sufficient support for the company's credit, supposing that on the arrival of news from India, bills should be drawn on the company to a large amount, and a substantial support from government should be found necessary? He said it was notorious that the commerce of the company was not a source of great profit, that all their presidencies were in debt, and that bills would be drawn upon the company, in Leadenhall-street, for the investments of the ships now on their way home. He stated the necessity of keeping

keeping up the credit of the company, and strongly urged it as a matter worthy the noble lord's most serious consideration. He contrasted the conduct of lord North also with the conduct of the company, and contended, that though the noble lord did not seem to have taken the proper pains about the business, the company, as soon as they knew it was to come before Parliament, had chosen committees, and referred the whole to their inquiry and examination. The noble lord, he said, ought to have been ready, for he knew the business must be brought forward, and he had scarcely any other matter of importance to engage his attention all the session. Were gentlemen in any degree prepared to enter into this business; which, from its complex nature, and extreme delicacy, required the steadiest heads and the firmest hearts? In 1767, when this matter was fully and maturely investigated, there was a body of evidence, and an inquiry, which enabled gentlemen to go into the business with some degree of knowledge; but of the few who attended to that inquiry, he believed there was no one who now remembered it. Mr. Burke apologised for the warmth with which he had spoken, and desired the House not to impute it to bad temper, but to its true motive, a little elevation of that spirit, and that indignant feeling, which every member of Parliament ought to glow with, and must necessarily glow with, when he saw the minister presume to insult the House of Commons, and treat it with contempt.

Demp. Mr. *Dempster* rose, to add his persuasions to those of General Smith, that the noble lord in the blue ribbon would not think of driving a bargain with the company for the renewal of their charter, just as circumstances stood at present, but would leave them the little remains of commerce which they yet enjoyed, as a source of provision against the difficulties that were to be expected, and continue the charter for another year by a short bill. Mr. *Dempster* reminded the noble lord, that the potentates in India were at once merchants and princes, and that depriving the company of all their cash, and exhausting their treasury, would be a most dangerous expedient. The conversation stopt here without any motion.

May 10.

The order of the day being read, "that the House resolve itself into a committee, for the purpose of taking the reports, made by the commissioners, appointed to state and examine the public accounts of the kingdom, into consideration." The four reports made by those commissioners, were, upon motion,

tion, referred to the said committee, and Mr. Ord took his seat at the table.

Lord North then rose to enter into the investigation proposed. He began with observing, that the four reports had lain so long upon the table that no gentleman could have failed of seeing and examining them minutely; and therefore the committee would not think it was now too early to move some resolutions on the ground of these reports. The commissioners had very wisely and prudently followed the rules prescribed to them by the act under which they were constituted. They had first inquired into the receipt of the public revenue, to see whether there were any sums in the hands of the receivers, which ought to be paid into the Exchequer, and any errors in the collection, any waste or extravagance which ought to be amended. They then inquired after the money in the hands of the paymasters, or their executors, to see what part of the same might be paid in and applied immediately to the public service. In the first of these inquiries, undoubtedly, there was not so much to be expected as in the second. The perception of the public revenue was as simple and economical, if not more so, than that of any other country, and few regulations could be made in its reform of any material advantage to the public; but at the same time there certainly might be amendments proposed, there might be inconveniences removed, which had crept in, from time to time, and had grown imperceptibly into abuses. They had first examined into the receipt of the land-tax, which being the most material, as well as the most ample branch of revenue, naturally occurred to them the first, and was, in fact, pointed out to them by Parliament. Their first report was totally on this subject: they had inquired very narrowly into the system and management of this part of the public revenue; and after stating the sums that were in the hands of the receivers, gave an opinion, that measures should be taken to oblige them to pay in the money to the Exchequer sooner after the collection than they had been in the habit of doing, and more agreeable to the spirit and provisions of the act under which they were established. This matter required some attention.

The land-tax, his lordship remarked, was collected by persons not under the immediate controul of the Exchequer, but there was an officer subject to the examination and orders of the Exchequer; and that was, the receiver-general of each county. Now it appeared, from the report of the commissioners, that there were certain sums of money in the hands of several of the receivers-general, which ought to

have been paid into the Exchequer. This was undoubtedly a fact, but it was thus to be accounted for; a custom, as old as the land tax itself, had uniformly prevailed to suffer a considerable portion of the receipt to remain in the hands of the receiver-general, and for this reason, the poundage allowed was not deemed by any means a sufficient remuneration for their trouble. That this custom was sometimes carried much too far very probably might be the case, but the general excuse made by the receivers-general, when they were written to, on the score of complaint of their delay in remitting the collection, was, that they found an extreme difficulty in procuring bills. This excuse might have some foundation in it. Indeed he himself had frequently had the same made to him by his steward in Somersetshire, who had defended his not remitting him the profits of his estate sooner, by imputing it to this difficulty of procuring good bills; but there might also be, and indeed he believed there was, a considerable portion of pretence in the argument, and the receivers-general frequently used it when it was not strictly true. At the same time that he said this, it was necessary to state, that the receivers-general of the county in which they were then sitting, and of the city of London, always paid in the full amount of their receipt as soon as the money came into their hands; and the reason was, the sum was so large, that the poundage upon it was an ample remuneration, and they could have no excuse to make on the subject of procuring bills. The receiver-general also of the county of Kent did the same, and probably for the same reason, his receipt amounting to 80,000*l*. But there were counties in which the receipt was infinitely smaller, the two counties of Westmoreland and Cumberland together, paid only about 6000 or 7000*l*. Other counties paid 12,000*l*. others 13,000*l*. others 15,000*l*. others 18,000*l*. and others 19,000*l*. The poundage which they received was very low, being only two-pence in the pound in counties where the duty amounted to a considerable sum, and threepence in counties where it did not. The expences attending the execution of the office were great. They were obliged to go round the county, some of them twice, some three times, and some four times, in the year. In their journies they were attended by two persons, a deputy and a clerk, whom they were obliged to pay; and besides these charges, they had to pay for their commission, and they had to pay the fees of auditing and passing their accounts in the Exchequer. All these things most materially deducted from the profits, as allowed by the

act. For the poundage on the receipt of 6000*l.* amounted only to 50*l.* Allowing, therefore, that upon an average they had each to receive 36,000*l.* the poundage would only amount to 300*l.* a year; which, with all the incumbrances that he had mentioned of commission, deputy, clerk, journeys, and fees, would be reduced to the small sum of 20 or 30*l.* a year. This, surely, was not the way that Parliament would wish to pay the commissioners of the land-tax. They were obliged to grant securities to a large amount; and the gentleman who became their securities had generally an interest in it, by having the use of the money. For this, and other considerations, the board of taxes were not so rigorous in exacting the remission of the duties within the time limited by the statute. In looking to the excise collection, the commissioners found, that there the money was paid in weekly to the Exchequer; and the same excuses were not made from the country, on the score of difficulty of procuring bills; but then, gentlemen would please to recollect, that the excise was the best managed branch of the public revenue, and that their officers were under the immediate controul of the board, which made the case widely different from that of the land-tax. It was to be remembered also, that the collectors of excise made their circuits regularly every six weeks, that the sums were extremely different from those paid for the land-tax, and therefore people were prepared with small bills against the time the excise collectors came round. But, upon the whole, notwithstanding the delays, the charges, the loss of interest, and often the loss of principal, which, upon an average of the last twenty years, amounted to about 2000*l.* a year, the revenue of the land-tax was collected with the least expence to the public of any. It cost no more than 10½*d.* in the pound. The excise duties cost 13½*d.* and they were reckoned very economical. At the same time he was ready to confess, that there was no mode of payment for trouble so impolitic and improper as that of suffering money to remain in the hand of the collector; and if regulations could be formed to bring this to a better and more economical system he should be well satisfied. It had often been thought of, but nothing had been determined. There was much reason to apprehend, that, if a compensation should be given, in lieu of the advantages derived by keeping the money in their hands, they would receive the compensation without losing the other advantage. Such an example had been experienced in the office of high-treasurer, to which benefits were annexed by the sale of places. At the Reformation,

mation, Lord Southampton applied for a salary in lieu of those benefits; a salary of 8000*l.* a year was granted; and since his day the salary has been paid, and the benefits too. Could the poundage be lessened? Undoubtedly it could not. But measures might be taken to relieve them from the expence of their annual commission, and of the fees attending the passing of their accounts. These fees had been long in use; and he confessed he thought it would be a consideration for the House at a future time, whether it would not be for the benefit of the public to buy up those patent offices in the Exchequer, to which the fees were incident, and by which the delays in passing the public accounts were occasioned. In the end, the noble lord said he would propose to the House a bill, by which the receivers should be obliged to remit the duties within a certain limited time; and that if they failed to do this, they should forfeit their poundage, and also be obliged to pay 5 per cent. on all the sums so detained, for the length of time which they remained in their hand. Another regulation he proposed to introduce into this bill was, that upon the failure of payment of the receiver and his securities, the money due to the Crown, instead of entering by an extent on their estate, and holding them in hand, they should be brought to immediate sale; by which the expence of servants and stewards would be avoided.

The noble lord proceeded to speak of the second report, in which the commissioners stated the result of their inquiry into the collection, receipt and payment into the Exchequer of the revenue, arising from the Customs, Excise, Stamp-office, Salt-office, Hawkers and Pedlars office; Hackney-coach-office, Post-office, First-fruits-office, Tenths, Sixpenny- and Shilling duty. With regard to the Customs, the commissioners report, that the receiver-general had in his hands the sum of 3,288*l.* 14*s.* 11½*d.* which they advise to be paid in as soon as possible. Upon this report, his lordship said, the Board of Treasury had immediately written to the Commissioners and comptroller-general of the customs, to pay in the same; which had been since done. His lordship mentioned something of his design to simplify the duties of the customs, by consolidating them, and putting all upon one plain intelligible footing; so that the difficulty that now remained in the way, both of the merchant and the Custom-house clerk, as the exact amount of the duties to be paid, might no longer exist; but that, he said, was a matter of too much importance and magnitude to be done on a sudden, and therefore he should not attempt it, in the present session.

Upon the collection and payment of the revenue arising from the Excise, Stamp, and Salt, offices, and also of that arising from the hawkers and pedlars, and hackney coach-offices, the commissioners had said there was no room for suggestion of alteration. Upon the Post-office revenue, the commissioners of accounts state, that in conformity to the act of the 9th and 10th of queen Anne, the receiver-general pays into the Exchequer 700l. a week; and the commissioners add, that it is their opinion the method of paying the net balance of the receipt into the Exchequer weekly, established by the customs, the excise, and other offices, should be adopted by the post-office. Upon inquiry made by the Treasury, since the commissioners delivered their second report, it appeared, that in fact, the receiver-general of the Post-office, did pay the whole of his receipt into the Exchequer as soon as he received it, that was, he never kept any part of the receipt at home, but sends it all, as fast as he has it, to the Bank; and that, gentlemen would recollect was the Exchequer in this consideration; therefore it was unnecessary to make any proposition on this part of the commissioners report. It was proper, however, that he should say something upon the observation which the commissioners had subjoined, and that was their opinion relative to the consolidation of offices. With regard to the excise and customs, undoubtedly those offices had already so much business, and so loaded, that they had full employ; and therefore considering, that probably the exigencies of the time might make it necessary to add something to both, in addition to their present business, the committee, he conceived, would not think it right to increase their burthen, by sending them the business of other offices to transact. The four offices pointed out by the commissioners of accounts, as capable of consolidation, were the stamp-office, the salt-office, the hawkers and pedlars, and the hackney-coach office. With regard to the two first, they were not expensive offices, the commissioners salaries being but moderate, and the business under their care considerable. The commissioners of the stamp-office met three times a week, and those of the salt-office twice; but then, when gentlemen considered, that the revenue collected and managed at each of these offices was extremely well taken care of, they certainly would not think of putting it under the management of any other offices; particularly the salt-duties; which, on account of the various drawbacks, bounties, &c. were extremely intricate, and occasioned much trouble.

After a mature consideration of the business, and the advantages derived from the boards, and the difficulties and inconveniences

conveniencies that must arise from their being consolidated and blended together, he was of opinion, that it was a measure which could not be adopted without much detriment to the public service. The only offices that could be consolidated were those of the hackney coach-office, and hawkers and pedlars office; and even here the profit would be much less in point of saving than the detriment incurred from the want of regulation. The first of these two offices rendered considerable benefit to the public as a board of police. The whole expence of it was not more than 1400l. a year. The hawkers and pedlars office was not expensive. There were but three commissioners with 100l a year each. The whole expence of the office was only 1800l. and of this 1000l. was expended in the employment of riding surveyors, who must still be employed. In point of saving, therefore, the consideration would not be material; and, in point of influence, the abatement would be still less, for neither of the commissioners were members of Parliament. This would be a regulation therefore upon the whole very trifling, but it would be for the future consideration of the House to adopt it or not. Undoubtedly, when the consolidation of office could be effected without injury to the public service, without destroying old and established forms, rendered necessary by use, and by which the perception of revenue might be simplified, or the passing of accounts rendered less tedious and complex, it was an object of desire, and at the proper moment he trusted the House would examine what regulations in this respect might be made. The noble lord now came to the third report, in which the commissioners, following the rules prescribed by the act, had inquired what balances there were in the hands of former accountants, beginning with the treasurer of the navy. They had ascertained, that there were sums in the hands of the late paymasters of the navy, to the amount of 73,000 and odd hundred pounds, which ought to be paid into the Exchequer, and full security given to the accountants for the sums in their hands. Upon this head, the commissioners of accounts had given it as their opinion, that the treasurers of the navy ought not, when out of office, to detain the public money in their hands; and advised, that in that case all the unappropriated money in the hands of a treasurer, when he goes out of office, be paid into the hands of his successor; and in like manner by his executors or representatives in case of death, upon receiving a proper security and indemnification. The commissioners had also advised that an alteration be made in the mode of keeping a treasurer of the navy's

vy's accounts, and of doing the business of his office, by altering the constitution, abolishing the subordinate treasurer, and rendering the treasurer a mere accountant. With regard to that, his lordship said, the Treasury had taken some pains to inquire how far it would be expedient to comply with the advice of the commissioners; and, in order to be certain of their ground, they had consulted the navy-board, which was composed of very respectable characters, who were extremely competent to speak upon the subject, and they had all of them declared it to be impracticable. At the same time that he said this, his lordship desired the committee to recollect, that he gave this as their opinion, and not as his; many people, he was aware, declared that to be impracticable which appeared to be extremely difficult, but there was undoubtedly an essential distinction. However, he was not himself sufficiently master of the matter to proceed upon it at present, or to make any propositions to the committee on the subject of altering the constitution of the office of the treasurer of the navy, but this much he meant to do; to endeavour to prevent treasurers of the navy from detaining the public money, after they went out of office; and, in order to effect this, he meant to move for leave to bring in a second bill, to oblige public accountants, to pay the balances in their hands into the Exchequer. With regard to the auditors of the imprest, he said, he knew not whether it might be right for Parliament to purchase those places of the present possessors, and those who had reversions of them; for undoubtedly it would not be fair to abolish the places, without giving an equivalent to those who had a right to derive the emoluments that the office afforded. Next year possibly the subject might be brought under consideration.

The fourth report pursued the same track, and found in the hands of former paymasters of the army sums to the amount of 378,000 and odd pounds. The noble Lord stated the reasons why these balances amounted to such high sums, and why they continued so long in the hands of the paymasters, after they went out of office. The sums in this office were kept under distinct heads, and when any one box was empty, though the others were full, instead of applying the money in their hands, intended for other heads of service, to that which was exhausted, they applied to the treasury for a new sum on this distinct head. The commissioners recommended in their report, that, instead of this practice, the office should, in future, take from the full box to supply the empty one. This was an idea which undoubtedly would serve to render the total sum

sum in the paymaster's hands; but the treasury had applied to the old servants in that office for their opinion as to the practicability of the project, and they had given their opinion that it was not possible.

The delays occasioned in the passing of the accounts by the old forms and regulations of the exchequer were the principal reasons of those balances remaining so long in the hands of the accountants. They all declared themselves willing to pay in those balances, provided they received their quietus. This was exceedingly just; and it was his purpose to move for leave to bring in a bill to give them the fullest parliamentary security. This only could be done by an act: and it would be just that they should be credited in the Exchequer for the exact sums in their hands. He added, that he for one should certainly think a parliamentary security an ample and sufficient indemnification; because it was just as well for him, in point of safety, to have credit in the Exchequer, for the amount of his balance, as it would be to have the money in his own hands.

He mentioned also his intention of lowering the deductions from the revenue, in its way from the pocket of the private individual to the public treasury, and in its expenditure, by introducing a clause into one of his bills for lessening the fees of office. Salaries, he said, he would not meddle with, because the 5 per cent. last laid on, added to the other deductions, lessened them very much; but fees he thought he might diminish without injustice, and much to the advantage of the public.

The noble lord, in a very pointed manner, gave credit to the commissioners for the report which they had made; for the infinite industry they had used, and the exertions in their progress. Their reports were short, but they were comprehensive. They were short, because they had been fully and maturely weighed and digested. It was not like the generality of reports that were made from the committees up stairs, where the length was proportioned to the confusion. After the specimen which they had had of the fruits of their industry, he dared to say that the House would be inclined to wish for their continuance. He intended to move for leave to bring in a bill to that purpose, and to refer to their consideration the extraordinary account of the extraordinaries of the army. This expression produced a laugh; but the noble lord said it was correct in the fullest sense, for in truth it was an extraordinary account in every sense. He wished them to examine this account to the bottom, but particularly to examine and inquire

inquire into the part which related to the American service. It was a matter of the utmost importance, and the House would no doubt receive the information which they wanted from their report. The noble lord concluded with reading the three motions which he had to make. The first was for leave to bring in a bill to prevent delays in the payment of the money received by the receivers of the land-tax, and for the better securing the same. The second was, for leave to bring in a bill to give security and indemnity to certain accountants on the payment of the balances in their hands into the Exchequer. And the third, for leave to bring in a bill to continue and enlarge the provisions of an act made in the last session, for appointing a commission to examine the public accounts, and make their report to that House. He moved the first of these propositions.

Mr. *Burke*, in a speech of the most poignant ridicule, charged Mr. *Burke*. the noble Lord with having on that day given at once the most explicit evidence of his activity and negligence, of his capacity and his incapacity. He had shewn that, as the first lord of the treasury and chancellor of the exchequer, he had been negligent or incapable of his duty, and at the same time he had shewn by his speech of that day, that he had both the industry and the talents to comprehend what his duty was. He had been negligent or incapable in the execution. He was active and able in the conception of his trust. The whole of the copious detail which he had given was clear, methodical, and accurate! so perfectly clear, that a pin might be seen at the bottom of it. He had shewn manifest knowledge of the regulations that were necessary, which must have required industry and exertion to acquire; and he had proved, at the same time, that, knowing the irregularities of his office, he had failed to reform them. He drew into a most whimsical point of view the mighty and important advantages which we were to derive from the commission of account. It was throughout, in the very language of the noble lord, a trifle; perfectly insignificant in one part, totally impracticable in another; the reform would not be advantageous in a third; not worth the experiment in a fourth, perfectly useless in a fifth, and productive of inconvenience in a sixth. The noble lord had the word trifling in his mouth in every sentence. It was, in the words of the poet,

A trifling song you shall hear,
Began with a trifle and ended;
All trifling people draw near,
And I shall be nobly attended.

This was in fact the harangue which the noble lord had made in that House: for first, no advantage whatever was to be derived from any new regulation in the receipt of the land-tax. This was already collected as cheaply and as profitably as it could be. The consolidation of office was confessed to be a most advantageous object, and to be devoutly desired, and yet in the wide range, system, and machine of government, no offices but the hackney coach and hawkers and pedlars could be consolidated, and by this great and glorious reform the nation was to save the immense sum of three hundred pounds a year. This was all the consolidation that could take place, and even this was doubtful. In no other part of the receipt of the public revenue were there any advantages to be derived. Nothing could be got from the post-office, nothing from the stamp-office, nothing from the various offices. But to go to the treasuries, this important commission had discovered sums in the hands of different accountants, which might be paid into the exchequer, on granting them an indemnity, Good God! was it necessary to conjure upon a commission of accounts to tell us this! Could not the first lord of the treasury have discovered this for his country? Could not lord North, first lord of the treasury, have applied to the paymaster of forces, and have procured the 73,000*l.* in his hands? After being fourteen years chancellor of the exchequer, the noble lord could not without a commission of accounts discover that the public money, in the hands of private individuals, ought to be paid into the exchequer. The honourable gentlemen proceeded in the same strain, and took the language of the noble lord himself as evidence of the inutility, the nullity, and the insignificance of this commission of accounts, which had done nothing but what the board of treasury could and ought to have done; but what the exchequer could and ought to have done; but what other offices, largely paid and little employed, could and ought to have done. So that this mighty machine had been contrived and set in motion to draw a cork, to do that which other bodies ought to do, and to keep them in idleness when they should be employed. He ridiculed the whole scheme and shadow of reform. For this the plan of substantial reformation of last year had been rejected; for this the noble lord himself had opposed the bill which he had the honour to move in that House; for this he had turned a deaf ear to the bill, which was introduced, and now contented himself with taking little inconsiderate portions of it, and bringing them forward as subjects of parliamentary attention. He had broken the comprehensive plan into fritters, and now presented them one by one, as sops, to
deceive

deceive, not as a substantial feast, to satisfy the national desire. A full harvest of economy had been offered to the House. This the noble lord had rejected. He had himself promised a crop; and now, it had come to the time of reaping, he went about picking up the leavings of the harvest, the hawkers and the pedlars, and holding up in his hands the few heads that he had gathered. Seducing the people with the prospect of something solid at least, he gave a whiff with his mouth, and blew them into chaff. The honourable gentleman, after treating this mockery of reformation with most severe censure, animadverted on the constitution of the noble lord's commission. He said that his language upon a former occasion had served to convince him how much wit the noble lord had; but the present had also shewn what was the power of face which he possessed. After declaring that he could never consent to see a commission of accounts, not erected of men, chosen by the people of England, with the guardianship of their property, he said he had nothing to hope nor expect from the inquiry that they should make into the extraordinaries of the army. The noble lord had been suckled with the milk of the treasury and exchequer, he had grown fat upon it; and he was enamoured of, and attached to, the old habits. "Train a child in the way that he should go, and in his old age he will not depart from it." This was exactly the case with the noble lord; he had been brought up among the abuses of the treasury and exchequer, and he would not now depart from them. He declared that he did not form a bad opinion of the consequences of the inquiry from any disrespect towards the members of that commission; but merely from the specimen set before the House that day, in which the noble lord had thought proper to reject every part of their reports that went to correct the irregularities and ill habits of office. They had shewn themselves to be men of sense, of integrity, and of ability, as public accountants. Their reports did them the highest honour and credit. As pieces of literary composition, he never saw style and manner so happily suited to a subject. It was neither too elevated nor too low, but clear, correct, nervous, and intelligible; as nicely adapted to the occasion as any pieces of writing he had ever read in his life. He hoped that the gentlemen would be well rewarded for their labours. Undoubtedly they ought to be paid, and paid liberally; and whenever that proposition was made, he promised to give it his hearty support; but he nevertheless would oppose continuing the commission, and that, not that he had the smallest objection to them as public account-

tants. If any strangers were to be employed as commissioners, he knew none more capable than they had shewn themselves, but he would never give up the argument that appointing commissioners, who were not in Parliament, was a scandalous delegation of the authority of that House, and of powers which they held in trust only, and could not give out of their hands into the hands of others, in conformity to the old maxim of *delegatus non potest delegare*.

Ld. North. Lord North defended his own conduct, and in support of the commission of accounts, and the benefit which they had produced, said that a committee of that House, sent up stairs, could not possibly have done the same business with the same effect. Neither could he, as chancellor of the exchequer, nor any other of the accountants already established. He spoke of the reports and of the commissioners in terms of the warmest praise; and said, some persons might exclaim, what a report of ten or twenty pages only! is that all they have produced! If a committee had gone into a room above stairs, their report would have been voluminous. Undoubtedly it would; but would it have been equally clear and intelligible? Every body knew it would not; and the reason was, the commissioners had completely considered and digested their thoughts, before they drew up their reports; which committees above stairs, for a thousand obvious reasons, never could, or never did. His lordship said, that beyond all question, the commissioners must be paid. No gentlemen could possibly have imagined the contrary. He had originally intended to have inserted a clause for that purpose in the bill, but at the request of gentlemen on the other side the House, he omitted it; and now it was the desire of the commissioners themselves that their labours might precede their reward, and that the House might be fully enabled to judge of their deserts before any payment for their trouble was required. His lordship went through all Mr. Burke's remarks; and at length he said, he believed he had answered every thing but his wit, and that, he was ready to acknowledge, was unanswerable, the honourable gentleman being greatly his superior in that respect.

Col. Barré. Colonel Barré spoke for a considerable time, and began with asking the noble lord, what part of the proceedings of the commissioners of accounts, he could point out, as a matter, to the execution of which a committee of members of that house would not have been competent. It was true, that the reports of the committee above stairs were not equally accurate

accurate and satisfactory with the reports of the commissioners of accounts, and what was the reason of the difference! The committees above stairs were not armed with the same powers. They could not give an opinion; they were absolutely bound down to facts, and therefore a volume of crude, undigested evidence, scarcely intelligible; and which few members of the House gave themselves the trouble to read; and when they did, fewer still could understand, generally formed their reports. After descanting for some time on the great impropriety of delegating the duty of the House, and giving its authority to men who were not members, the colonel distanced from his honourable friend, and said, he had rather have the present commissioners than none. Next to the committee of members, he should prefer the gentlemen now employed; they had proved themselves able, honest, and upright men, and had his warm applause. He thanked lord North Blenheim for taking the matter out of his hands; and assured him that he did so sincerely, both as a private and a public man. During a war, like that this country was now engaged in, there ought always to subsist a commission of accounts. The colonel took notice of the noble lord's declining to claim any powers of wit, and complimented him on his possessing a great deal. If he had not shewn much that day, it was because he stood on ground, where sense and firmness well became him. If the noble lord, however, had not that day been witty himself, he had been the cause of wit in others.

Mr. *Burton* (member for Heytesbury) made his maiden *Mr. Burton.* speech, and in sound, manly language, declared he rose to withstand any attempt either to ridicule or to censure the commissioners of accounts and their reports. Both deserved the warmest commendation, and he did not doubt, but great benefit would result to the public, in consequence of the commissioners continuing their labours. The only ground of fault was, that the commission was not thought of sooner.

Mr. *T. Townsend* made a short speech, in which he chiefly *Mr. T. spoke of the intention of the noble lord to simplify and consolidate the custom-house duties. Townsend.* He commended that measure, and trusted that the noble lord would make an effectual reform, without being warped by any pitiful wish to preserve his influence in those boroughs that were on the sea coasts. Mr. Townsend approved the idea of expediting the passing of public accounts. He said, it was now nineteen years since he had been a public accountant, and he dared venture to assert,

assert, that for five years to come, his accounts would not be passed. He added, thank God, he was rather a young than an old man; but, if he had been upon his death bed, it would have given him great uneasiness to have reflected, that he must have left his accounts in the care perhaps of women and children.

Mr. Viner. Mr. *Viner* thought the circumstance of making receivers-general of the land-tax pay a poundage, for all monies detained by them after a certain period, would rather tend to induce them to detain larger sums than they now did, as they could make five *per cent.* of the money, than to remit it more speedily.

Ed. North. Lord *North* rose to explain, and said, that as he intended they should pay five *per cent.* exclusive of losing their poundage, he could not imagine the bill he intended to bring in would have any such effect. He thanked the honourable gentleman, however, for his suggestion, and hoped that during the progress of the business through its various stages, gentlemen would freely speak their minds on the subject, as he should be glad to profit by any hint of improvement that could be suggested.

The three motions were then agreed to, and the House resumed.

May 11.

Mr. Orde. Mr. *Orde*, in obedience to the resolution of the committee of the day before, moved for leave to bring in a bill to prevent delays in the payment of the money in the hands of the receivers general of the land-tax, and for the more speedy recovery of debts due to the crown. On this a short debate arose, nearly on the same grounds as that of the day before. Earl *Nugent* began it by declaring his warm and entire approbation of the measures of reform proposed yesterday by the noble lord in consequence of the reports of the commissioners of the public accounts. These were the measures which he always recommended as the proper and eligible plan on which all reformation ought to proceed. The steps were moderate, but they were substantial. The reform did not hold out great promises of reform; it was modest, but if the benefits were small, they were permanent. It was a good observation of Sarah, the famous duchess of Marlborough, to take care of the pence and shillings, the pounds would take care of themselves. But an honourable gentleman had objected to this reform, because it had gone so little way; it had not new-modelled the constitution, not altered any of the old established forms of government. This was the ground

ground on which it had been objected to, he thought, with much injustice. He wished to see the benefit derived without innovation; and he was the more pleased with this reform, because, though it corrected abuse, it left the fabric of the constitution unimpaired.

Mr. *Townshend* resumed the argument of the night before, and said this great and glorious reform, as stated by the noble lord, was not originally the production either of his zeal or his genius; for undoubtedly it was suggested to him in a much more substantial form than that which he had thought proper to substitute in its room. Mr. T. Townshend.

Mr. *Burke* answered the noble lord, and declared, that he did not find fault with the noble lord's reform, because it went only to little matters; but because, in the choice of great and little objects, it had preferred the latter. Mr. Burke.

Mr. *Pulteney* said, it was not an adequate penalty on the receivers to make them forfeit their poundage, if they kept the public money in their hands beyond a certain time. The poundage was only one per cent. and they could not make five per cent. by keeping it. Mr. Pulteney.

Lord *North* said it was intended to make them pay five per cent. besides the poundage. Ld. North.

The motion was agreed to.

Mr. *Orde* then moved for the second bill, which was for directing the payment of the several balances in the hands of the different accountants into the Exchequer, and for granting them discharges for the sums so paid. Mr. Orde.

Lord Viscount *Howe* stated an objection to this, that the sums in their hands facilitated the passing of their accounts, and procuring their final quietus, as they had the fees to be paid to the clerks, for the expediting of this business. If the balances were paid in, some provision should be made for the payment of those fees, and also to secure against the delay that would arise when the temptation to activity was withdrawn. Ld. Vis. Howe.

Lord *North* said, that a fund would undoubtedly be provided for this purpose; as the discharge, to be given to the accountant, was only for the exact sum which he should pay into the Exchequer. Ld. North.

This motion also passed.

Mr. *Orde* then made a third motion, for the continuing and enlarging an act, made in the last session, for the appointing a commission to inquire into and examine the public accounts. Mr. Orde.

Colonel

Col. Barré. Colonel *Barré* asked whether or not his consent to this motion would preclude his moving an amendment to the bill in some future stage; being told that it would not, the motion passed, and bills were ordered in accordingly.

The order of the day was now read for the second reading of the gold manufacture bill.

Mr. Smith. Mr. *Smith* stated several objections to it, tending particularly to shew that by the proposed alterations, in the standard in this country, material inconveniences would arise. It would be for the benefit of the workman to melt down the guinea, instead of using the bullion; and it would be exceedingly inconvenient to have different places for the stamping and claying of the gold articles.

Lt. North. Lord *North* said, that he wished to see the bill go into a committee, and there receive the most serious consideration of the House in every part. It was of the utmost consequence; and in the present stage he could only say, that a doubt had arisen with respect to the principle, which would undoubtedly demand the consideration of the House. The value of gold in the tale, that is made into the guinea, was 3*l.* 17*s.* 6*d.* per ounce. The value of it in the bullion was 4*l.* 6*s.* per ounce. In the standard of the guinea there was generally a carat and a half of silver, and half a carat of copper. By the alloy of silver, it received a softness and a paleness, which rendered it unfit for the workmen to melt down, and disadvantageous in comparison with the bullion; because, agreeable to the present law, the workman could not lower the standard, but only alter the shape. By the present bill, however, there might arise a temptation for melting down the guinea; which, if it was so, would undoubtedly be a consideration for the House. He wished them to inquire into this, and to see if such a danger would not attend this alteration.

Lord Vis. Mutton. Lord Viscount *Mutton* said, that when the proper moment for this discussion arrived, he would prove to the noble Lord and the House, that so far from their being a danger of the kind arising from the present bill, there would be a security against it, and he stated this proposition, which he said he would prove, that even in case of the price of gold in bullion sinking beneath the price of gold in tale, it would be then, as it is now, for the benefit of the workman to use it in preference to the guinea; and that in every possible case it must be so. The noble lord said, he would not insist on the regulation

lation for stamping the gold at several places, if they were objected to in the committee.

The bill was then read a second time, and ordered to be committed.

The next order of the day, for the second reading of the bill to prevent certain abuses and profanations of the Lord's day, was then read.

Mr. *Turner* rose, and expressed his very serious apprehensions of a design in government to destroy, by little and little, the foundations of religious liberty, and renewing those days of intolerance and persecution, when men were not permitted to serve God in their own way. He considered this as the first of many encroachments on this great and important ground, and he called upon the House to be very cautious how they endeavoured to abridge or annihilate the religious freedom enjoyed by the subjects of this country, of meeting together, and examining the foundations of their faith. Instead of prohibiting such pious and sober discussions, the government and legislature should be anxious to promote them. They should grant patents to preachers of all kinds, and abandon the mean, suspicious policy of religious slavery. He loved texts; he hated contexts; it was owing to the contexts that so much human blood had been spilt, and so much havoc and disorder had taken place in this world under the prostituted name of religion. He begged the House to have some regard to the consolations and the enjoyments of the poor. They ought to feel for calamities, though they might not have suffered them. Charity was their indispensable obligation; and he wished to read them a chapter from the Bible on the subject. It contained doctrines which he loved better than the sermon he had heard preached in his Majesty's chapel the Sunday before. He here read the 19th chapter of St. Paul's first Epistle to the Corinthians, with comments and explanatory notes, very much in the manner and spirit of Lord George Gordon.

Mr. *Solicitor General* said, it was from no spirit of persecution or intolerance that this bill had originated, and with no design to destroy or abridge religious liberty in this country; to prevent men from serving God agreeable to their conscience; or to shed blood, and revive the scenes of carnage and cruelty that once afflicted and disgraced Europe. It was the sentiment of sober, well-disposed men, that such meetings as those aimed at by the bill, were dangerous and pernicious in their consequences, and tended to destroy all religion,

religion, instead of promoting it, or of enlightening the minds of men with useful and necessary knowledge.

*Sir William
Dolben.
Mr. Saw-
bridge.*

Sir William Dolben spoke to the same effect.

Mr. Sawbridge said, that he conceived there were laws already in being for the prevention of such disorders as were stated to be apprehended from such meetings; and he considered the present as an unnecessary as well as a very alarming expedient. The legislature multiplied penal laws of late with a degree of blameable rapidity. The statute book of the present day was full of nothing scarcely but crimes; a circumstance which struck him as exceedingly unwise, and he could not but think it tended rather to the increase than the prevention of immorality.

Mr. Powney

Mr. Powney took notice of the petition which had been presented from the proprietors of Carlisle-House, in which it was said, that clergymen attended their promenade. If so, it was fit that so improper an example should be removed from the public eye. He disapproved of all such meetings on the Sunday evening. If the poor people wanted amusement, they might for a shilling go to the devil at Sadler's-Wells; and if persons had half a guinea to spend, they might go to the Opera House, and see a man stand upon one leg, who could stand much better upon two; but he humbly conceived that the half guinea would be as well disposed of if given to some man who had only one leg to stand upon.

Mr. Martyn

Mr. Martyn commended the bill, but wished it had gone farther. The gaming-houses that were open every Sunday in the neighbourhood of the palace ought not to be suffered; and yet he understood they were frequented by some of the first men, in point of rank and ability, in the two Houses of Parliament. *Mr. Martyn* expressed his astonishment how gentlemen, who, from the situation in life in which they moved, ought to be good examples to their inferiors, could reconcile it to their consciences, to come down to that House, and the House of Lords, and make laws to punish those who were beneath them, in regard to rank and fortune, for small crimes, while they themselves passed their lives in one continued round of offence to morality and decency.

Mr. Turner.

The bill was read a second time.

Mr. Turner presented a petition from the proprietors of Carlisle House; which, after some reprobation, was dismissed from the table.

Adjourned to the 14th.

May 14.

Mr. *Burke* rose at about half past four o'clock, and drew Mr. *Burke* the attention of the House to the very important question of the seizure and confiscation of private property on the late capture of the island of St. Eustatius. The honourable gentleman began with stating the very great consequence of the question on which they were about to enter. The eyes of Europe would be on the conduct of the British legislature in the present instance, and it would be exceedingly necessary to be cautious and grave, to be cool and impartial in their deliberations; perhaps the fate of Britain would depend on the result and decision of that question; for, says he, it ought to be remembered, that we stood in a new situation: we were engaged in a most calamitous war, in which we had many enemies and no friends. It was a situation unprecedented in the history of Britain, and called for all the wisdom and all the prudence of the government. We ought not, by instituting a scheme of inhuman plunder and unjust oppression, to make more enemies, or to incense and provoke those with whom we are already involved. We ought, instead of pushing war to its extremes, to endeavour, by every means in our power, to moderate its horrors, and to commit no other depredations than such as were necessary to public success, or as contributed to national glory. Private emolument ought not to be received as an excuse for rapacity. By such civil regards, the resentments of our enemies might be softened; the enmity might be subdued, and their minds be brought to a favourable inclination towards peace. Or neutral nations, perceiving that, even in a struggle for our existence, we did not deviate from honour, might be brought to applaud the dignity of our sentiments as a people, and assist us in the conflict. But a contrary behavior on our part was likely to provoke them to unite against us, and make the protection of human nature from plunder and robbery a common cause. They would not stand unconcerned spectators of the renovation of that system of havoc which it had been the pride of civilised Europe to execrate and explode.

The honourable gentleman called back to the recollection of the House the terms of the manifesto, published by Great Britain on the commencement of hostilities with the Dutch. That manifesto was published on the 20th of December; the terms and language of which threatened no inhuman cruelty, no uncommon severity; but, on the contrary, seemed rather to portend the short variance of old allies, in which all their old friendship and affection would operate rather as the softener

than the inflamer of the common calamities of war. It breathed the expressions of kindness and long-suffering, and the menaces which it held out seemed to be torn by constraint from a heart bleeding under the affliction of unwilling strife. The harbinger was so gentle, that it was not to be feared that the war would be shocking. It was expected by men of both countries as no more than a temporary rupture, flowing from the rash petulance of the parties, and which their mutual good sense would in the coolness of deliberation suddenly heal. The proclamations, with respect to letters of marque, &c. which followed the manifesto, warranted the same expectations. There was no predatory system threatened nor powers granted of an unusual nature. The honourable gentleman proved this by reading the various passages in these state-papers, containing the language of the court, and the powers granted in the commencement of the war.

He now came to the transactions in the West-Indies. The rapidity of the expedition against the island of St. Eustatius was a matter which begot suspicions, that the orders of government to the commanders on that station had not waited for the event of the declaration of hostilities; or else the circumstances of the affairs were proofs of the vigilance and wisdom of our government, and of the promptitude, alacrity, and conduct of our commanders. But, in order to the due consideration of the business, and of this very important question, it was necessary that all the circumstances of the situation and the time, of the prospect, and the event should be attended to. First then, it was on the close of a most melancholy and general disaster, which happened in that part of the world; a hurricane which had involved all the islands in common suffering and common distress. When all that extensive branch of islands and settlements had been visited by the scourge of Providence, as a correction of their vices, or an humbler of their pride. At such a time it might have been expected that the deadly serpents of war would for a time have been hushed into a calm in that quarter of the world. Their stores of poison being exhausted, and wanting the recruit and fructification which the rich earth was accustomed to bestow, that they would have remained for a time mutual spectators as they were mutual sufferers, and would not have increased the stock of their distress, by adscititious calamities. The hurricane seemed the particular visitation of Heaven, as if the Deity had meant thereby to check the fury of mankind against each other, and reconcile them by the sense of their common necessities. Surely, when human pride was levelled in the dust, and we
saw

saw what worms we were beneath the hand of Omnipotence, it became us to crawl from our holes with a feeling of brotherly love to each other; to abate a little of our rancour; and not add the devastations of war to those of the hurricane. But it was not so with Britain; for even when the stern breast of rebellion melted with generous sympathy, and Dr. Franklyn * issued express orders that provision-ships should pass to the British as well as to the other islands without impediment or injury; even this was thought the fit and proper moment by our commanders for an expedition to St. Vincent's for the recovery of that island. An expedition undertaken with so little knowledge of the state of defence in which the island stood, that after the troops were debarked, and had reconnoitred the works and the garrison, they found it convenient to retreat without attempting the object of their expedition.

At this time too it was, that, in obedience to the orders of ministers, the expedition was undertaken against St. Eustatius. This island was different from all others. It seemed to have been shot up from the ocean by some convulsion; the chimney of a volcano, rocky and barren. It had no produce. Its extent was but thirty miles. It seemed to be but a late production of nature, a sort of a *lusus naturæ*, hastily framed, neither shapen nor organised, and differing in qualities from all other. Its proprietors had, in the spirit of commerce, made it an emporium for all the world; a mart, a magazine for all the nations of the earth. It had no fortifications for its defence; no garrison, no martial spirit, nor military regulations. Its inhabitants were a mixed body of all nations and climates; not reduced to any species of military duty or military discipline. Its utility was its defence. The universality of its use, the constant neutrality of its nature, which made it advantageous to all the nations of the world, was its security and its safe-guard. It had risen, like another Tyre, upon the waves to communicate to all countries and climates the conveniencies and the necessaries of life. Its wealth was prodigious, arising from its industry, and the nature of its commerce. At the time of this expedition there were only fifty-five soldiers in the garrison, it

* Dr. Franklyn, on the application of the merchants of Dublin, by the voice of Sir Edward Newenham, issued a letter to all masters of American ships and privateers, directing them not to interfere between the charity of Britain and the sufferings of the West-India islands, as even war ought to have a regard to the corrections of provisions. Vide Remembrancer.

such

Such a place deserves the name of a garrison. There was indeed a building which, by courtesy and in compliment might be called a fort. These soldiers too were of the worst description, for out of these there were only twelve men of colour. Against this island then, so circumstanced and so defended, the British commanders went with fourteen ships of the line, and several frigates, and a body of three thousand land forces on board. They had heard of no war being commenced. They had received no intimation of hostilities being begun or designed. But thus unprepared, naked and defenceless, they were summoned to surrender at discretion within an hour. That time, however short in point of precedent, was on this occasion not only sufficient, but ample. It was needless to hesitate where they could not resist. It required but little discussion or debate to resolve on what was to be done. The Dutch commander yielded up the dominion, the territory, the public property, and every thing that belonged to the united states, to the British commanders without any stipulation, and relying totally on the discretion, the mercy, and the clemency of the conquerors.

What was the discretion and the mercy of the conquerors! A general confiscation of all the property found upon the island, public and private, Dutch and British; without discrimination, without regard to friend or foe, to the subjects of neutral powers, or to the subjects of our own state: the wealth of the opulent; the goods of the merchant; the utensils of the artisan; the necessities of the poor were seized on; and a sentence of general beggary pronounced in one moment upon a whole people. A cruelty unheard of in Europe for many years, and such as he would venture to proclaim was a most unjustifiable, outrageous, and unprincipled violation of the laws of nations. It was accompanied too with cruelties, almost unheard of in the history of those barbarous times, when war was pushed to all its extremes of rigour, and when the sword and the firebrand were in concert. All the property had not only been condemned to one general indiscriminate confiscation, but the warehouses were locked up, and access was denied to the proprietors, by which they might have an opportunity of ascertaining the amount of their commodities, and securing their property by labels, or by inventories. Thus deprived of their merchandises, and all the honest profits of their labours, there remained, however, this ground of hope, that by explaining the nature of their misfortune to their correspondents in the neighbouring islands, or in Europe, they might procure a loan to form a new stock with, and by industry

lustry retrieve their misfortunes; but the next step was to rise on their books; by which they were divested of this last refuge of hope. All their circumstances were laid open; their weak sides exposed; and the places pointed out, by which malice or enmity might attack them with success. Was there known till that moment a more complete act of tyranny than this? It was unparalleled in the annals of conquest, but it was surpassed by what followed; for, the next act was to seize upon all their letters also, and their private papers. It was not enough that the secrets of their trade and their weaknesses should be laid open, but also that the secrets of their families should be discovered; the private calamities, to which all are more or less incident, and all anxious to conceal, and to suffer unknown, were exposed; and their miseries aggravated, by becoming a matter perhaps of derision and merriment to insulting plunderers.

It would have been conceived, that farther than this even inventive tyranny could not proceed; but it proceeded in this instance as much beyond the reach of common oppression as it did of common credulity. If the facts were not ascertained beyond a possibility of doubt, he could not have believed that such acts were perpetrated at such a day by British soldiers. The merchants and inhabitants plundered and robbed of all that they possessed in the world, and of all the hopes that they had of having their property restored; involved in all the calamities of want and wretchedness, thought it at least reasonable to exact that, destitute as they were of all the means of sustenance, and actually starving, upon application, a part at least of their own provisions might be remitted to them. They presented an application to the quarter master general for this purpose; and what was the sublime and the generous answer which the gentleman returned? "Not a mouthful," was exactly his expression. Notwithstanding this answer, they made another application, in the confidence that so just a request would be ultimately complied with; still the answer was, "Not a mouthful." They presented a third representation, and they received still the same reply, "Not a mouthful, not a mouthful, if you were starving." Nor was this the extent of the oppression on the one hand, or of the suffering on the other. Their cash was seized upon; and thus effectually deprived of every thing but the liberty of drawing out a miserable existence, they had recourse to an expedient suggested by necessity, of making use of their former credit with their correspondents in the neighbouring islands, by drawing upon them for a temporary supply. Of this resource they

they were also deprived; for a proclamation was issued preventing the issuing of such bills; nay, to such a length did the cruelty of this persecution go, that a bill which was found among the papers of a considerable trader in the island, drawn upon government, but not signed nor indorsed, was brought to the unhappy man, and he was forced, absolutely forced, to sign and indorse it. to his injury, if not to his ruin. After all these stages of unheard-of oppression had been successfully gone through, there wanted no more but an attack upon the persons of the unhappy people to finish the scene. He blushed, he said, to relate the sequel for the honour of humanity, of this enlightened age, and still more of the Christian character. The persecution was begun with the people, whom of all others it ought to be the care and the wish of human nations to protect, the Jews. Having no fixed settlement in any part of the world, no kingdom nor country in which they have a government, a community, and a system of laws, they are thrown upon the benevolence of nations, and claim protection and civility from their weakness, as well as from their utility. They were a people, who by shunning the profession of any, could give no well-founded jealousy to any state. If they have contracted some vices, they are such as naturally arise from their dispersed, wandering, and proscribed state. It was an observation as old as Haner, and confirmed by the experience of all ages, that in a state of servitude the human mind loses half its value. From the east to the west, from one end of the world to the other, they are scattered and connected; the links of communication, in the mercantile chain; or to borrow a phrase from electricity, the conductors by which credit was transmitted through the world. Their abandoned state, and their defenceless situation calls most forcibly for the protection of civilised nations. If Dutchmen are injured and attacked, the Dutch have a nation, a government, and armies to redress or revenge their cause. If Britons are injured, Britons have armies and laws, the laws of nations, (or at least they once had the laws of nations,) to fly to for protection and justice. But the Jews have no such power, and no such friend to depend on. Humanity then must become their protector and ally. Did they find it in the British conquerors of St. Eustatius? No:—On the contrary, a resolution was taken to banish this unhappy people from the island. They suffered in common with the rest of the inhabitants, the loss of their merchandise, their bills, their houses, and their provisions; and after this they were ordered to quit the island; and only one day was given them for preparation.

paration; they petitioned, they remonstrated against so hard a sentence, but in vain; it was irrevocable. They asked to what part of the world they were to be transported? The answer was, that they should not be informed. Must they take their property along with them? No.—Must they not then take with them their wives and children? No.—The only information they could obtain was, that they must prepare to depart the island the next day; and without their families, the very last comfort of wretchedness;—they must appear the next day at an appointed place to embark. The next day they did appear to the number of one hundred and one, the whole that were upon the island. They were confined in a weigh-house, a place (in some respects) similar to a turnpike-house, but strongly guarded; and orders were given that they should be stripped, and all the linings of their clothes ripped up, that every shilling of money which they might attempt to conceal and carry off should be discovered and taken from them. This order was carried into rigid execution, and money, to the amount of eight thousand pounds, was taken from these poor, miserable outcasts; and thus deprived of the fruits of their assiduity, and the comfort of their age, thirty of them were embarked on board the Shrewsbury, and carried to St. Kitt's. The rest after being confined for three days unheard of, and unknown, were set at liberty to return to their families, that they might be melancholy spectators of the sale of their own property. He mentioned some particular instances of aggravated cruelty inflicted on the Jews while they remained in the weigh-house. One of these poor wretches had sewed up two hundred johannes in his coat, and the money was discovered; he was immediately turned from among the rest, and set apart for punishment, for having endeavoured to conceal some little remains of the wreck of his fortune. Two more Jews had been detected also in a breach of the order for delivering up all their money. Upon one of them were found nine hundred johannes. This poor man's case was peculiarly severe, his name was Pollock. He had formerly lived on Rhode Island; and, because he had imported tea contrary to the command of the Americans, he was stripped of all he was worth; and driven out of the island; his brother shared in his misfortunes; but did not survive them; his death increased the cares of the survivor, as he got an additional family, in his brother's children, to provide for. Another Jew married his sister; and both of them following the British army, had for their loyalty some lands given them, along with some other American refugees, on Long-Island, by Sir

William Howe: they built a kind of a fort there to defend themselves, but it was soon after attacked and carried by the Americans; and not a man who defended it escaped either death or captivity; the Jew's brother-in-law fell during the attack, he survived; and had then the family of his deceased brother and brother-in-law, his mother and sister, to support; he settled at St. Eustatius, where he maintained his numerous family, and had made some money, when he and his family were once more ruined, by the commanders of a British force, to whose cause he was so attached; and in whose cause he had lost two brothers, and his property twice. Another Jew, named Vertram, was treated with as much severity, nor had the commanders any pretext from his profession, for confiscating his property; he sold no warlike or naval stores to the enemy; he dealt simply in China wares; brittle emblems, of the tenure he was to have in them: an order was given, and he was left a beggar.

These cruelties were soon followed by others, as dreadful. The persecution was not confined to the Hebrew nation. Another proclamation was issued, ordering all the Americans, without distinction, to depart the island. Those who had retired from their native country, that they might avoid taking a share in the dispute with Britain, as well as those who might have come there for the purpose of assisting America, were doomed to instantaneous banishment. The next was a proclamation, ordering all the French inhabitants to depart. The next was a proclamation ordering all the inhabitants, late citizens of Amsterdam, to depart; and, last of all, a proclamation, ordering all foreigners of every kind, and all but the settled inhabitants of the island, to depart. The honourable gentleman animadverted, with becoming indignation on all those shameful proceedings, and said they were not suggestions of imagination, they were not exaggerated by any factious spirit; they were proved by the authority of the St. Christopher's Gazette, immediately on the issue of the transactions, with the authentication of the government there. The facts would also be proved by affidavits, if required.

He now gave a particular relation of the conduct of the assembly and inhabitants of St. Kitt's on their melancholy oppressions. The transported beggars of St. Eustatius came there, presenting before them miserable objects of distress and pity. The calamities were beyond the relief of private donation. Visited as they had been by the hand of Providence, they

they had hardly wherewithal to supply their own necessities; but out of the little that was left, they generously conceded, out of the common stock, to bestow a something. The honourable gentleman gave an account of the several steps which they had taken for the recovery of their own property and that of the other sufferers. The British subjects in St. Eustatius might well claim respect and protection from British commanders, but they met only with insult and rapacity. The legislature of St. Christopher's took the matter up, being astonished at the unprecedented length to which the British commanders had proceeded; and after drawing up a strong remonstrance on the subject, sent to it by Mr. Moore, and other gentlemen of the committee of the island of St. Christopher's, to the island of St. Eustatius. On their arrival, they were admitted to an interview with the admiral and general, in the great cabin of the Sandwich, where Sir George asked Mr. Moore if he did not bring a remonstrance. On which he produced it, and after Sir George had read a small part of it, he said, he could not possibly give any answer to it then; but, after he had considered it, that he should have an answer. Mr. Burke said, that the next day Mr. Moore and the other gentlemen were admitted on shore to an interview with Sir George and the general: where a conversation passed, of which Mr. Burke read an attested copy, having been committed to paper immediately after the interview, and sworn to by the gentlemen of the St. Christopher committee; the conversation was various. The admiral gave as a reason for the confiscation of the property, that they used St. Eustatius only as a deposit for their goods, and that they meant to supply the enemies of their country. And when it was answered to this, that they conceived that, by the Grenada-act, the tobacco-act, and the cotton-act, they were justified in the commerce which they legally carried on at this place; that it was a commerce not only justified by British acts, but encouraged by the British government: they were told in reply, "that those acts were foolish and idle; that they had been procured by factious men, for partial and pernicious ends." He could not but observe, that it was a ~~very contemptuous~~ treatment of the legislature of this kingdom, for any officer whatsoever, to pronounce acts, which it was his duty to see enforced, impolitic; and to say that they had been obtained by factious persons, and for partial views. The persons who had brought in the Grenada, tobacco, and cotton, acts, were Lord Beauchamp and Sir Grey

Cooper: the gentlemen on the other side of the House, would not surely call these two members factious persons; and as the objects they had in view, was the augmentation of the revenue, it could not be said that they had acted for partial ends. The committee agreed upon the security which these acts held out to the merchants, whose stores the commanders had seized on, and said, that as the goods were legally stored under the sanction of the British legislature, they ought to be delivered up to the owners. Sir George replied, that he and the general did not come there to hear acts of Parliament explained, but to obey his Majesty's orders. On Mr. Moore's mentioning the possibility of retaliation from the French, Sir George said, "they dared not retaliate;" and after other conversation told them, that if they or any other persons thought themselves aggrieved, they might go to law for redress. No other interview took place, though a second remonstrance and petition was drawn up in St. Christopher's, and sent to St. Eustatius; but Mr. Grenville, the Solicitor General, by whom it was written and carried, could not procure an interview; but to the excellent remonstrance which he presented, received only an answer, that they had no time to attend to the memorial. Mr. Grenville's reply to some of those arguments was extremely ingenious and strong: Mr. Burke thought it a production worthy of any Solicitor General in the world. He particularly retorted upon the admiral, by saying, that if it was illegal in the merchants to send their property for sale to St. Eustatius, the naval officers had equally transgressed the law by selling their prizes there*.

Having done this, the honourable gentleman came to examine the proceedings, and entered largely into the investigation of that right which a conqueror attains to the property of the vanquished by the laws of nations. These were the two questions to which he wished to draw the attention of the House. That under these circumstances, or even without all the aggravations of cruelty that had taken place, he declared that the general confiscation of the private property found upon the island was contrary to the law of nations, and to that system of war which civilised states had of late, by their consent and practice, thought proper to introduce.

* The memorials of the assembly of St. Christopher's, with a state of the proceedings of the committee, and the admirable letters of Mr. Grenville, are published in the Remembrancer.

Perhaps it might be said, there was no positive law of nations; no general established laws framed, and settled by acts in which every nation had a voice. There was not indeed any law of nations, established like the laws of Britain in black letter, by statute and record; but there was a law of nations as firm, as clear, as manifest, as obligatory, as indispensable. First, it was a maxim generally established and agreed to, "that the rights of war were not unlimited." If they were unlimited, it would be ridiculous to say that there were laws of war; for as confessedly a law existed to regulate the practice of states in hostility with each other, if the rights of war were unbounded, it would follow, that the law placed limits to infinity. But this being the established maxim, he had it in his power to prove that there were certain limited and defined rights of war recognised by civilised states, and practised in enlightened Europe. First, he could prove that they were established by reason, in which they had their origin and rise; next, by the convention of parties; thirdly, by the authorities of writers, who took the laws and maxims not from their own invention and ideas, but from the consent and sense of ages; and lastly, from the evidence of precedent. The honourable gentleman went largely into this description and proof of the rights of civilised war. From the authority of reason he formed general opinions and sentiments, entertained and rendered maxims by consent and use; "that a king conquered, to acquire dominion, not plunder;" that a state does not go to war with individuals, but with a state; and in the case of conquest does not take possession of the private property, but of the public property of the state conquered." By this maxim the calamities of war are mitigated. They are not felt so severely by the private individual, by the citizen, and the husbandman, the manufacturer, and the merchant. This law, therefore, directs that the private property of individuals, in a territory surrendering at discretion, is not only to be spared, but to be secured. The very essence of war presumes offence, and offence reciprocity. But when surrendered upon summons at discretion, and without resistance, there is no reciprocity; and consequently there is not the essence of war. When men surrender, they are intitled to protection. There is a virtual compact in conquest, by which protection arises out of, and accompanies allegiance. Can the king of Great-Britain seize upon the property of his subjects at his will and pleasure? No; nor can he in the instant of conquest seize on the goods and effects of the conquered,

conquered. Not only the king of Great Britain, but every monarch, however despotic, is bound down by the very essence of his tenure to observe this obligation. For in all government there is a trust reposed. "Shew me a government," says the honourable gentleman, "and I will shew you a trust;" there must be a care where there is a dominion; and a king must abandon that trust, he must give up his royalty and his government, when he seizes upon the property of the subject; he must dethrone himself from the just dominion, when he becomes the unjust plunderer of his people; and when he thus departs from the character, and the dignity, and the office of a king, to take up that of a robber and a spoiler, there is a sword in every hand to execute upon him the vengeance of human nature. The king, who should receive the surrender of a people, thereby admitting them within the pale of his government, and afterwards strip them of their property, must, in so doing, forfeit his royal authority, and be considered only as a robber. It was ridiculous to suppose for a moment, that the subject could lose his effects, and all the benefit of regal protection, and yet be bound by the duty of allegiance; or that a monarch could retain that character when the whole property of the state was vested in himself; he might then be called lord of the spoil, or sole possessor of it; but he could not arrogate the title of king. This is a principle inspired by the divine Author of all good; it is felt in the heart; it is recognised by reason; it is established by consent. The right of war were not thus limited by the learning of the schools, by the light of philosophy, by the disquisitions of councils, by the debates of legislatures, or by the sense of delegated assemblies. It originated in necessity, in reason, and in the field. The soldiers themselves introduced it; and being taught by necessity, which in all cases is the best tutor, they adopted, and they exercised, it without having the assistance of lucubration. He now stated, that by the convention of parties, this law of nations was established and confirmed. Private property was exempted from the confiscation which followed public property on the issue of a conquest. A distinction was made in this virtual convention between property found afloat, and found ashore. For what reason that ~~found on shipboard~~ was mutually agreed to be confiscated, he could not tell. The time was not far distant when even that inhuman species of war would be abolished; but certainly the convention made a difference between the goods found ashore and

and the found afloat. He called upon the House, and desired them even to mention one instance, beside the present, of a general and indiscriminate confiscation that had occurred within the last fifty years on any conquest or surrender by discretion. There was no such thing. This was the instance that had occurred to stain and disgrace the age, and the country, and the cause. As to the authority of books, he thought them the weakest part of the argument, although they had collected the wisdom of ages, and had connected, with that of their authors sagacity, judgment, and sense. He quoted Vattel as being the latest and best, and whose testimony he preferred; because, being a modern writer, he expressed the sense of the day in which we live. As to the testimony of precedent, as he had mentioned before, not one instance had occurred for the last fifty years. The last precedent of a surrender at discretion he considered as the best to be adduced. The case of Grenada was the latest. There the island surrendered at discretion, but not without resistance, like St. Eustatia. The conquest was contested, and was won with a profusion of blood. What was the consequence there? The Count D'Estaing, though a man by no means remarkable for the weakness of his nature, did not venture to make a general confiscation of the private property of the inhabitants, or to go to the lengths of cruelty and oppression lately practised at St. Eustatius. He indeed went farther than he ought, in framing certain regulations of a severe nature against the estates of absentees, and to other objects: but on an application to the French king, he gave full and ample redress; he countermanded the orders of D'Estaing, and secured to every merchant, planter, and inhabitant, the full and quiet possession of their property. The honourable gentleman having, in a variety of most beautiful and forcible arguments, enforced the doctrine of the law of nations, with respect to the security which ought to have been given to the private property of the Dutch in that island, came to speak to the question of the confiscation of British property in that island. In this he answered very fully all that had been suggested by the commanders upon that station, in justification of their conduct, "that they made St. Eustatius a deposit, for the supply of the enemy." If this was true with respect to the inhabitants in general, it was a good cause for going to war; but it was a doctrine universally established, that when war is once declared and instituted, the belligerent powers are to treat one another, as having mutually justice on their side, until the final issue is known. So that though

the perfidiousness of the Dutch might be a just cause for going to war, it was no excuse for aggravating the horrors of it. Every war presumed an offence on the one part, and when the cause was referred to this mode of decision it was to be considered as *subjudice*, during which time both parties were intitled to the same treatment; for it was a first principle in the law of nations, as laid down by every writer, that to expound the rights of war, we must conceive each party to have justice on its side, and every thing preceding the commencement of hostilities must be forgotten in that exposition. To make the island of St. Eustatius a deposit was no crime. In the spirit of merchandize, it could not be a deposit, without also being a market. The merchant does not carry his goods to a place to lay them up, but to sell them; and it was the known, established, and admitted principle of St. Eustatius to be a mart for all the world, and consequently equally advantageous to us as to the enemy. We had thrown open Dominica upon the same principle. That had been taken from us, and the moment that we procured a new Dominica, we threw away its advantages. But if it was a fault to send goods to St. Eustatius, and there to sell them, it was a fault for which the legislature of this country were answerable, and not the merchants; for they had encouraged them to the trade. They had passed positive acts, inculcating in the most express terms this traffic, in which acts, the Grenada-act, the tobacco-act, the cotton act, the general good of this country was consulted; the revenues were enlarged, the manufacturers promoted, and the merchants enriched. These were the acts declared by our commanders to have originated in faction, for bad ends. It was by them, however, that ministers had been enabled to say that the commerce of this country, and the manufactures of this country, had not suffered by the war. But this species of traffic had been recognised by his Majesty's ministers in every possible manner. Nay, on this very principle of sharing the advantages in common with the enemy, to be reaped by the establishment of a neutral mart, the minister had but the very last week defended the proclamation for giving up the right of Britain to chastise her enemies, or fight her cause in the Baltic. The merchants of Britain traded to St. Eustatius under positive acts of parliament; and if the traffic was improper or pernicious, only Parliament should be blamed. "But they supplied the enemies of their country."

So

tated their property and deprived them of their rights. They advertised it at a public auction, and invited all the neutral islands to come and purchase it; nay, for the convenience of these neutral powers, advertised that small vessels would be sold also to carry it off the island. It was accordingly transported to French and American settlements, and also to the Danish Islands of St. Croix and St. Thomas; from which the Americans, French, and Spaniards, might be supplied. It was treachery in the merchants to sell their property to the enemy; it was right in the commanders in chief to do so. The act of confiscation changed the nature of the market. The honourable gentleman dwelt with great energy on this part of the conduct of the commanders in chief. He said, the whole property had been sold for one fourth part of its value, by which means the enemy had been supplied by government at a much cheaper rate than they otherwise could have been, and a whole people ruined besides.

But if the enemies of Great Britain were supplied from St. Eustatius with stores, it was an advantage that was not exclusively theirs; they enjoyed it in common with the English and the rest of the world; we likewise got supplies from it; and in 1778 our windward islands would have been starved if they had not been relieved from St. Eustatius. If the Dutch had supplied the enemy with stores, and had refused to sell them to us, then perhaps we might have had cause to complain. but they had formed an alliance with ready money, let it come from whom it might; and nothing was ever withheld from any one who called for supplies with ready money in their hands. It was known that the Dutch at St. Eustatius had, for money, furnished us with cordage, provisions, ammunition, and even men, for an expedition against the Spaniards; and that they also defeated that expedition, by selling for ready money also to the Spaniards, the very same kind of commodities, men only excepted. The island therefore was a common blessing; and as it was opened to us by acts of Parliament, our commanders in chief ought to have felt themselves bound by a double tie not to confiscate the private property; and it was reasonable to presume that they would not have done it, if they had not had positive orders from ministers at home for all that they had done: He also was exceedingly severe on the observation of the commanders, "that the British subjects might have redress in our courts of law." What! when they had no marks to distinguish their property, no possibility of ascer-

taining its value, or of watching its sale! What! when they were robbed of their last shilling, and deprived of all the means by which the prosecutions could be carried on! By the exultations from the treasury-bench, when that passage of his letter was read, it was to be concluded that ministers applauded such an answer to their complaints. True it was, they might recover their property by law, but at the same time those men should be punished who drove them to the necessity of doing so. It would be a strange justification, should the crown lay hands on all the property in this country, to tell the parties injured the courts are open to you. But how were many of the sufferers to prosecute the offenders? stripped as they were of their possessions, how were they to pay the expences of a law-suit, while their antagonists might combat with their own money; he mentioned the case of a gentlewoman, who at the recommendation of a lady, not more distinguished for her rank than for her benevolence, he had endeavoured to serve in the city. This lady had many children, and had been married to an Englishman, who had acted as a captain of a Dutch trader, and had been absent sixteen years; during all which time he had made his family frequent remittances, and about two years ago had sent his wife word that after three more trips, he intended to make up his savings, and come and end his days with her and his children in peace and comfort. It happened that for sixteen months she got no tidings of him; and lately, to her astonishment and despair, not only discovered that he was dead, but that his property amounted to something more than 8000*l*. which was in the island of St. Eustatius, when that island was captured, and the whole of it was seized and confiscated; so that she and her children were reduced to a state of absolute beggary, without in any wise meriting so severe a misfortune. Mr. Burke heightened the pathos of this affecting case, and put it home to the bosoms of the House, in a manner that could not but rouse and excite the pity and compassion of every gentleman present; but she must go to law, destitute perhaps of the common necessities of life; she must go to law with the rich conquerors of St. Eustatius, armed with all the plunder which they had seized, and backed by the powers and interest of government. The poor unhappy lady, also deprived of the certificates of her fortune, prevented from proving her property; for these conquerors wisely took care that the books, inventories, and vouchers, should go along with

with the property, and not remain to be brought up against them in the day of restitution.

The admiral's ideas concerning the retaliation of France, he reprehended severely: "She would not dare to do it." What was this but provoking the enemy to exercise that power already in their hands, by revoking the immunity granted to our fellow-subjects in Grenada; the inhabitants of that island would then have to curse the injustice of our government, but could not reasonably complain of their conquerors; and an old respectable merchant, who, ninety years ago, fled from the tyranny of the French monarchy to the protection of this government, might look back with astonishment, on the vicissitude of human affairs, when he found himself saved by the generosity of a French King, and the unjust rapacity of Great Britain.

It was not extraordinary that a man sitting on a great gun in a ship's cabin, should hold language like that of Admiral Rodney; for however much he respected his naval character, his judgment as a lawyer could not be expected to have any consequence, but to see ministers of this country echoing and applauding such maxims was strange indeed. But indeed, he did not want the testimony of Sir Samuel Hood to convince him that it was not Sir George Rodney that had been the author of these shameful proceedings, but his Majesty's ministers. The honourable gentleman spoke of the whole plan, which they had adopted and pursued, as infamous and unbecoming to the last degree: from the unsuccessful attempt on St. Vincent's to the destructive overthrow of St. Eustatius. An order from a noble lord, formerly secretary of state for the American department, and now again employed in another department by his Majesty, had driven the Caribbees to desperation; and this attempt upon the island, at such a time, had renewed all their antipathy to the English; the retreat of our commanders having deprived them of an opportunity to be revenged upon our soldiers, they turned their rage against the British inhabitants, who then resided there, under the protection of the French; and such was the sense the Caribbees entertained of the infamy of an attack upon the island, immediately after the visitation of heaven, that they would have sacrificed to their resentment all the British on the island, if the French commandant had not, by the most strenuous and ingenuous exertions, screened them from the fury of the savages. Defeated in our hopes against St. Vincent's, our commanders expected, that they might have been able to reduce Martinique and Guadaloupe by fa-

mine, in consequence of the destruction of provisions by the late hurricanes; but we lost the opportunity of shewing that we were inhuman, and had not the satisfaction of starving either of these islands into a surrender.

Their attempt on St. Eustatius had been more successful, and it seemed to ministers, as well as officers, with transport, that they had been able to conquer a people that did not resist, and plunder them when they surrendered to their mercy. The honourable gentleman, concluded with a solemn appeal to the House, whether it was fit that the legislature of Great Britain should be the first to plunge Europe into all the horrors of barbarity, and institute a system of devastation, which would not only bring disgrace, but in all probability ruin upon ourselves. He wished to bring the matter properly before the House, that they might be fully possessed of the facts before they proceeded to a decision; for he sincerely wished them to be deliberate, to be impartial, to be disinterested. It was a question as important as any one that had ever come before them, for it was from their conduct that Europe was to learn the system of Britain, and by which they were to be forced to regulate their own: he therefore moved.

“That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all proclamations, memorials, orders, and instructions, and of all official correspondence from and to any of his Majesty’s ministers, relative to the disposition of the property belonging to the States-Generals and to individuals, inhabiting or interested in the places or territories taken from the said States-General in the West-Indies.”

Mr. T.
Stanley.

Mr. T. Stanley seconded the motion of his honourable friend. The transactions of the fleet and army at the island of St. Eustatius were so truly unpolitic and disgraceful that they required the most severe reprehension from every man who paid regard either to the feelings of human nature or to the character of Britain. The honourable gentleman, who had made the motion, had given so comprehensive, just, and forcible a view of the business, that it was hardly possible to add any thing on the subject to throw more light on the fact, or impress it more sensibly on the mind. It was unnecessary for the House to enquire whether the commanders had received orders from ministers at home, or had acted in this manner from their own free motion. The present motion was not to blame, but to enquire. To procure insight and information, not to inflict punishment. He considered the
late

late confiscation as a kind of military loan, levied for the use of the army; and said, as the noble lord in the blue ribbond had lately subsidised his parliamentary troops to keep them faithful, he probably hit upon that method of subsidising his military troops abroad, to preserve their attachment to him. Mr. Stanley said farther, that he and his colleague had presented a petition to his Majesty, from one hundred and twenty-four respectable merchants at Liverpool, who were deeply affected by the late confiscations in the island of St. Eustatius; that the petition was at first sent to the members for Liverpool to present, but they had refused to do it; he left it to the House, therefore, to consider what sort of consideration was to be put upon the conduct of members, who were so much at the minister's nod, as to venture to refuse discharging their duty to their constituents, when called upon by them for that purpose. He trusted that the House would on the present occasion shew a becoming abhorrence of the steps that were taken in the reduction of St. Eustatius, by which only the nation could expect to escape the dreadful consequences of that conduct.

The motion being read in form by the speaker, Mr. B. ^b *Gascoigne, jun.* rose to explain the circumstance mentioned^c by the honourable gentleman who had spoken last; and said, the accusation was ill-founded, for that the petition had never been sent to him or his colleague, but that two other petitions were, on one of which they wrote a joint letter, containing their reasons for not coinciding in opinion with all the allegations of the petition, submitting those reasons to the subscribers of the petition, and declaring at the same time, that if these reasons should not convince the gentlemen who had subscribed it, that then they would present it immediately, holding it to be their duty, at all times, to comply with the wishes of their constituents. This letter they sent off to Liverpool by express, but never heard any more of the matter. The other petition they had presented to the noble lord at the head of the American department. With regard to the present question, Mr. Gascoigne said, he was not prepared to enter into the consideration of it, he should only say, that in determining upon great national points, he must hear strong and convincing arguments, and sound principles of law, laid down to prove any position of so important a nature to his satisfaction. Pathetic and affecting narratives of private misery and distress naturally found their way to the heart, and served to catch the passions; but they were not the sort of ground

ground for the head and understanding to rely on with security.

Mr. Rawlin-
son.

Mr. *Rawlinson* also explained his conduct relative to the petition, and mentioned his being himself materially affected by the late confiscation at St. Eustatius. He therefore earnestly called upon the noble lord to know, whether he had sent out any orders for a general confiscation of the British property, legally imported into that island under authority of British acts of parliament.

Cap. J. Lut-
trell.

Captain *John Luttrell* said, that he rose with equal zeal for the military and naval service, for the commercial interest of his country, and for the general good of the state, to express his wish that the previous question might take place of Mr. Burke's motion; and that although he knew not what those reasons were which the honourable member had before offered for commencing the inquiry, yet to judge of them by such as had then been given, he was persuaded, that the motion was premature and unnecessary, and was sure, that it would appear to be very unreasonable. He said, he should stand in need of an apology to the House and to the Speaker, if he presumed to solicit their attention, with a view to stake his poor abilities against Mr. Burke's conspicuous talents, or to enter upon elaborate and unequal argument with that gentleman, whose power of persuasion, and whose gift of eloquence, gave charms to his plea, which the others must go unadorned with; and that therefore, it was with becoming diffidence, he ventured to oppose an opinion to that of the honourable member at any time, but particularly so, when, from his own assertions, the objections to the motion arose in his mind; for if it really was intended to charge Admiral Sir George Rodney with having wantonly and unwarrantably seized the estates of individuals at St. Eustatius, that by the iron hand of power he had transported their owners to a distant isle, and had disposed of their property without just cause or right so to do, such proceedings would be highly proper for parliamentary investigation at a future period, but surely were premature even to listen to, much more to discuss, while that admiral was employed in the service of his country in another part of the world, where he had done the state great service, and could neither be apprised of such attack, be prepared for his defence, or be present to be heard in his justification.

He said, he apprehended that the territorial acquisition was a right inherent in the Crown, which could not be alienated; and therefore those planters, who were willing to take the oaths of allegiance to the king, as lord of the soil, ought to retain

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retain the possession of their estates, stores, and negroes; but that all other property seized at St. Eustatia, whether belonging to the states-general, to their subjects, or to any other persons who were inhabitants of the island, at the time of the surrender, was forfeited to the take/s; and that all negroes, masters, malattoes, quadroons, samboos, or people of mixed colour, slaves to the states-general, to the congress of America, or to the government of any other country at war with Great-Britain, were liable to be transported to our West-India Islands; there to be sold, after condemnation, as much as any other property seized from the enemy; he said, there might be reasons also, with which Parliament were not then acquainted, that would justify Sir George Rodney in a temporary removal of persons of other descriptions from that island. That therefore, having had the honour to serve for a very considerable time under that gallant admiral, and of knowing him very intimately, he could not but credit, that he acted at St. Eustatius so very unlike himself as the honour gentleman had thought proper to represent. He said, if government had acquiesced in the confiscation of seizures made at St. Eustatius, as far as such acquiescence could be construed to extend, or have legal operation, they had done that which sound policy and strict justice required them to do; but that no property could be retained, unless it was proved to belong to the enemy, to persons inhabiting within their dominions, or to have been confiscated for their use. In the two first instances, he would allow the right of capture to be indisputable; in the latter he would allow that where persons engaged in a contraband and illicit trade, with a view to exorbitant gain, and consulting no other interest than their own, they must submit to abide the consequences attending it, and were liable to seizure, as well by the government of the country to which they traded, as of that from whence they came; nor ought they to expect from the Crown, or from the captors, restitution of what they had forfeited by law; for that, when merchants of this country will enter into commercial connections with those of the enemy, their interest and property become so interwoven and cemented, that you could not favour the claim of the one to the preclusion of the rest; and therefore, were such applications to be attended to, by mercantile management, all that had concerns in the trade would eventually reap equal benefit; but, says he, those who are carrying on traffic at St. Eustatius within the pale of the law are perfectly secure, and need be under no apprehensions; for the effects there seized must be labelled, and proceeded against in the first court
of

of vice-admiralty, within the jurisdiction of which they are arrive, and it will then come from the mouth of the captured, that the property was such as has been described, before any judge could proceed to sentence of condemnation, or to pronounce for the interest of the Crown, or that of any other parties. He observed, that the admiralty-court was in the first instance the most competent and proper to determine the right of prize, and prior to such adjudication; he defied the penetrating eye even of a Burke to discover what claims would be rejected, and whether they were sufficiently supported by evidence to warrant any man in saying they were legal ones; nor could he comprehend how Parliament, without such guide, were to form a perfect judgment on the merits of the proceedings had at St. Eustatia.

The honourable gentleman said, that the hour had never yet arrived, which government judged seasonable to exercise a power of restoring any seizures which were legally made by the military in times of war; that on all conjunct expeditions, from the time of taking Vigo, in the year 1702, to the present hour, the Crown had acceded to the division of the booty, as agreed on amongst the captors, without interfering farther; and whether it would be warrantable to do otherwise, was with him as much a matter of doubt, as with any one right which remained to be determined; but sure he was, that the present could not be the hour, when harmony and confidence were so essentially necessary to subsist between the governing and executive powers, to strengthen the arm of war, for ministry to enter into litigation on the subject with the army and navy. The latter of which, he contended, had an indisputable right to a large proportion of every kind of seizure which could be made from the enemy in times of war, under the king's proclamation; and a liberal construction of the prize act: from the former he then read the following passage: "All ships, vessels, and goods, belonging to the states-general of the United Provinces, or their subjects, or to any other persons, inhabitants within any of their territories, may be lawfully seized and brought to judgment in the admiralty-courts; and that all manner of captures, seizures, prizes and reprisals, shall be given to the takers."

Now, said he, the English language cannot furnish words more expressive of the intention in the Crown to give every kind of capture to the takers than those conveyed which he had read, nor could there, in his mind, be a taking but what bore analogy to the gift; which, he observed, was a general one, being neither confined to the land nor to the sea; but
here

where the power of division was delegated to a third party, that it became necessary to be specified; and the king having only distributed such captures as were to be made by ships of war, he left to Parliament the division of prizes taken by letters of marque and privateers: therefore he desired to refer to the general prize act of the 19th of the present king, which he said, by a subsequent act of this session of Parliament, had been extended to Dutch seizures; and the House coupling the proclamation with the act of Parliament, would then see how such division applied to the kind of capture made at St. Eustatius; from that act the clerk proceeded to read as follows: "That the commanders of our ships and vessels may attack, surprize, seize, and take with such ship or vessel, or with the crew thereof, all place, or fortress upon the land, or any ship, ammunition, arms, stores of war, goods, or merchandize, belonging to or possessed by any of his Majesty's enemies upon the land: and that the whole thereof, after final adjudication in the admiralty-court, shall belong to the takers, and that neither his Majesty, his heirs, or successors, or any other person or persons whatsoever, other than the captors, shall be entitled to any part thereof."

Then it is clear, that if St. Eustatius, like St. Martin's, had been taken by privateers, or by letters of marque and their crews, they would have had the right to every thing, except the territory: and will it be believed that the legislature meant to give better encouragement to privateers and letters of marque for their services than had been extended by proclamation to the king's officers and seamen, or that they intended to divide a capture, the right to which remained inherent in the Crown, and was of course at the disposal of the king alone? that, he said, could never be supposed, and therefore it appeared to him as clear as the sun at noon-day that had the island been subdued by a naval force they would have been entitled to the whole benefit, as was the case when lord Anson's squadron plundered the Spanish settlements in the South Seas. Then could it be contended, that because a certain number of land officers and soldiers were aiding and assisting to the taking, that therefore the sea service became entitled to nothing at all, or that their rights could be otherwise diminished, than proportionably to the rank and numbers of the military, which acted with the navy on that expedition. All these matters, said the captain, and many others of very serious consequence, must come into debate, if this inquiry is now proceeded on; the mischief it might create he would not venture to anticipate. One word more, he said, in answer

to the honourable member's complaint, that Sir George Rodney refused to allow an account to be taken of the stores and merchandize seized at St. Eustatius, and claimed by English merchants as their private property, and that he would not allow them to be marked: it was not pretended that their books and papers were seized, which, with the *viva voce* evidence of their clerks, would sufficiently prove to the admiralty court their right, whatever it might be; but that Sir George Rodney could not, consistent with his duty to this country, and to the captors, have acted otherwise; for that all captors are required immediately on seizure to put the king's locks on the effects, and to suffer no person to have access thereto until after condemnation: were it otherwise, he said, favour would be shewn to some; embezzlement would follow to the prejudice of others, and when sentence had been pronounced, the goods might not be forthcoming; besides, every common seaman, whose share might be but a guinea, where the admiral's was a thousand, had a right to object to any restitution, and to insist that every thing seized at St. Eustatius, though but the value of a sleeve-button, should be brought to legal adjudication; and that the admiralty-court alone, not Sir George Rodney, had the right of determining what belonged to the captor, and what to the claimants. He apologized to the House for having intruded so early and so long in the business, but observed, that where the honour of his friend and the welfare of the service were so much at stake, he could not help speaking feelingly, nor had he the power to confine his observations within the limits of his intention; but he said that, being awakened to a sense of their prolixity, he would exhibit no farther the gloomy picture his imagination formed of the effects of a premature inquiry into the St. Eustatius capture; but he assured the honourable mover, that it neither bore the garb of political influence, nor the tint of party zeal; for that so ignorant was he of the sentiments of other members on the subject, that he knew not if he should obtain a secondary voice in favour of the previous question; but however that might be, he was persuaded, that to maintain Mr. Burke's motion at present, as a subject of political controversy, would be highly improper; and that, for the reasons given, should it be persisted in and brought to a question, although his single negative might prevent its unanimity, he felt himself determined to give it.

Lord George
Germain.

Lord George Germain said, that what had fallen a little time ago in the course of debate, from a young gentleman who sat behind him [Mr. Gascoigne, jun.] was so well said, and went

so fully to answer all the arguments of the honourable gentleman who made the motion, that unless something new had been thrown out, it was almost unnecessary for him to take up the time of the House, by adding a syllable on the subject. Pictures of private calamities would move the passions of the humane; and when drawn with the masterly pencil of a Burke, would have all the force of colouring that was necessary, either to strike or wring the heart; but in questions of general policy, the good of the whole must be preserved to the convenience of the few, and private calamities might result from public advantage. He should not have said so much on the occasion, but since an honourable gentleman (the other respectable member for Liverpool) had earnestly called upon him to inform the House, whether any orders to confiscate property, found at St. Eustatius, and imported into that island, under the sanction of British acts of Parliament, had been sent out, either to Sir George Rodney or General Vaughan; out of respect to the honourable gentleman, and out of respect to the House, he thought it right to declare, that no such orders had been sent out; but on the contrary, the instructions sent by his Majesty's commands were expressly, that care should be taken to secure all property legally imported into the island for the benefit of the right owners, and to render their possession of all their estate, stock, furniture, utensils, negroes, &c. perfectly secure and inviolate. His lordship said farther, that all petitions and memorials upon the subject, that had been transmitted to him, to deliver to his majesty, let them come from any quarter, had been delivered without delay. But could gentlemen expect that the stores found upon the island should be returned; if so, then the expedition against Eustatius would have been nugatory indeed; for if, after having taken the oath of allegiance, the inhabitants should be permitted to sell those stores to any person whatever, then the public enemy might be supplied with them, though it was the object of the expedition to cut off that resource.

With regard to many things stated by the honourable gentleman who made the motion he was a perfect stranger. There might be instances of great private distress occasioned by the capture of St. Eustatius; there scarcely was an island captured, or a territory seized upon, that was not attended with some such circumstances; but they were rather to be lamented, as the unavoidable and common consequences of capture, than as occurrences; which, however the humanity of every man of feeling might recoil at them, were not easy to be prevented.

ed. The case of the treatment experienced by the Jews, and stated by the honourable gentleman with all that force of description which his great and extraordinary talents enabled him to give to any subject; he was ready to admit was true in most of the leading particulars; at the same time, however, that he thought it right to admit the fact, common justice required that he should also inform the House that the whole transaction happened without the knowledge of the commanders in chief, both by sea and land; and that as soon as they heard of it, they expressed their displeasure at what had happened, ordered restoration to be made, sent for the Jews back, and directed that they should be treated with all possible protection.

The honourable gentleman had said a great deal about the conduct of the king of France, in regard to the capture of the island of Grenada, taken from this country sometime since; in answer to this, he could only say, that he knew not how to draw a comparison where there was no manner of similitude. The two cases were certainly as distinct and different as it was possible for two cases to be; Grenada was an island, taken from us by the French, after both countries were in a state of war, and had nothing in particular in the circumstances of the capture to distinguish it from an ordinary conquest. The capture of St. Eustatius was perfectly a new case, to which no other in the history of modern warfare had the least analogy or similitude. It was an island formerly possessed by our ally; which ally, while bound by solemn treaties to give this country every assistance in her power, had notoriously contributed in an eminent degree to assist our enemies, and had made this very island a depôt for the use of the enemy, having on it a vast magazine of military stores of all kinds, with which she furnished France, Spain, and America, with the utmost readiness; and when called upon by our fleets, to assist them in like manner, withheld that assistance, which it was since evident she had it in her power to give. In order to elucidate and support this assertion, his lordship referred to the admiral's official letter, in which Sir George Rodney stated, that a fact had lately come to his knowledge, that not a little surprized him, and it was this; on his arrival with the fleet from America, his ships, in consequence of the increased degree of wear and tear which they sustained in the West-Indies, in comparison to the effects of sailing in European seas, added to the damage done them, both by the severe weather they had experienced for some time before, and particularly the storm they had encountered on his leaving

leaving the coast of America, was in great distress for rigging and stores; to remedy which, he had sent to purchase them at St. Eustatius; when it was with the utmost difficulty that he procured a small and inadequate supply, not more than seven tons; the Dutch excusing themselves, by declaring that they had scarcely any left, though it was notorious they had let the enemy have as much as they wanted. Sir George farther stated, that he had lately found this to be a mere pretence, and that their refusal to supply him properly arose solely from their giving a preference to the French and Americans; since, on seizing upon the island, most immense quantities of stores of all sorts were found in the warehouses, enough to have supplied all the shipping that could have stood in need of any in those seas for some years to come. There were several thousand tons of cordage in their stores. He knew it to be a fact, that without regular supplies from this island the French could not have carried on the war, and the Americans were in the same predicament. Sir George added, that he had other reasons to know that the island had been the source of more advantage to the enemies of Great Britain than any other circumstance that had attended the progress of the war. He also stated, that he had ordered all the money and effects of the inhabitants to be sealed up, and separately marked upon, to shew to whom the property belonged when seized, and lodged on board the Sandwich, there to wait till it had been determined by the courts; before whom the whole case would come for consideration how it was to be disposed of. But it was observed, that the Americans, &c. had been ordered to quit the island: it was true; but it was necessity, not choice, that had dictated that measure; a measure that was absolutely necessary for the preservation of the conquest: for that people had come in such great numbers, that it would be unsafe to suffer them to remain, considering their numbers and hostile disposition: there was one circumstance that would enable the House to form some judgement of their numbers, when they should hear that the annual rent of the houses in the town of St. Eustatius had, from the difficulty of getting houses and warehouses to hire, amounted to the prodigious sum of a million sterling; it was therefore necessary to send them away, or renounce the conquest; and gentlemen must have a strange opinion of the laws of nations if they should maintain, that every man, who offers to become a subject, must and ought to be received as such. As it was a nest of merchants, who took up their residence there with no other view than to derive an extravagant profit from supplying

plying the enemies of Great-Britain with stores, the capture of the island barely, without rooting out the nest of mischievous traders above alluded to, would have been a circumstance of small advantage to this country.

His Lordship dwelt for some little time on the great importance of the capture, and said, that such was the opinion of the officers, who had held the command, when the island was taken possession of, that the general, in his letter to him, expressly says, "such is, in my opinion of the great importance of our getting this island into our hands, with all its immense magazines of ammunition, stores, &c. that I verily believe it will prove the means of speedily putting an end to the American war." How far this opinion of the general was likely to prove true, his lordship said, it was not for him to point out or decide; he could only declare, that he believed it would conduce effectually to so desirable an end; and that he should rejoice exceedingly if it should turn out that the general was founded in his prediction.

The honourable gentleman, his Lordship observed, had said a great deal upon the subject of the law of nations, the rights of war, and the common usages of the European states in cases of capture and of surrender. He had asserted that the law of nations, as laid down by Grotius, Puffendorf, and the ancient writers upon the subject, had been since explained, and rescued from the barbarity of the more enlightened periods of history. For his part, he could only say, that the nearer the law of nations was brought to humanity and justice the more perfect he should consider the law, and the more agreeable it would be to his mind. In the conduct of the officers who took St. Eustatius, he was yet to learn that there was any thing, in the least, tending to violate either the law of nations or humanity. The honourable gentleman had stated, that when a new territory was acquired, the dominion was the property of the conquering power, but the inhabitants became subjects, upon taking the oaths of allegiance, and were as fully intitled to enjoy the protection of the state, to which they surrendered, and share in all the privileges enjoyed under its government as its other natural subjects. In answer to this, he must remark, that it was carrying the argument much too far, and stretching it beyond all admission. Foreigners, who came over to this, or went to any other country, took the oaths of allegiance, and demeaned themselves to all the rules of its government, were undoubtedly entitled to derive all those privileges

privileges under the government of that country which its natural-born subjects enjoyed; but would the honourable gentleman venture to contend, that the inhabitants of an island, captured by military operation, inhabitants surrendering at discretion, and becoming subjects at the point of the bayonet, stood in the same predicament with those he had just described? If he knew any thing of conquest, his lordship said, it was this; where a place surrendered by capitulation, the territory and dominion, as in every other case, became the property of the Crown, but the inhabitants were entitled to the terms upon which they had capitulated; where, on the contrary, a place was either taken by storm, or surrendered at discretion, the persons and property of the inhabitants were to be disposed of just as the captors thought proper; and if this was not a fair state of the case, he was ready to own that he was ignorant what the meaning of the words at discretion meant. If this was an error, he was grossly deceived indeed; he was confident it stood clearly justifiable by precedent. But it was not necessary to hold this position on the present occasion, for, indisputably, to seize and destroy an enemy's magazines was allowable in war, and the island of St. Eustatius fell precisely within that description; it was a mere depolite or magazine for the use of France and America.

With respect to the property that had been sold in the island, and belonged to British merchants, the most perishable was what had been set up to sale; and the money arising from it had been packed up; and marked to be delivered to the persons to whom it should be adjudged. The honourable gentleman said, that the stores that were sold had been shipped for America and the French islands: but Sir George Rodney's letter flatly contradicted this assertion; as that officer informed him that the stores were to be shipped for the British West-India islands.

The noble Lord upon the whole therefore found nothing to blame in the conduct of the commanders upon that occasion, and he had too high an opinion of the liberal minds and the disinterested principles of Sir George Rodney and General Vaughan to believe that they were capable of descending to rapacity and plunder. He knew that the present inquiry was exceedingly unreasonable; and that, as the whole business would be examined and discussed before the Admiralty courts, the House might, and he trusted would, oppose any inquiry in the present stage of the matter.

Mr.

Mr. St. Andrew St. John.

Mr. St. Andrew St. John answered Lord George, and by referring to the St. Christopher's Gazetteers, and the proclamations, orders, &c. issued by Sir George Rodney and General Vaughan, endeavoured to prove that the noble lord's declaration, that those officers were ignorant of the treatment experienced by the Jews, could not be founded. Mr. St. John also said, that the noble lord had argued as if the present motion was merely calculated to impute blame to the admiral and general; whereas, in fact it was not intended to throw blame on any particular individual, but was intended merely to afford the House an opportunity of inquiring into the matter, and discovering whether the facts, stated by the honourable gentleman, who made the motion, were true; and as blame, in that case, would be unavoidably found to be imputable somewhere, to know to whom that blame was really to be ascribed.

Earl Nugent

Earl Nugent opposed the motion, and retorted on Mr. Burke for his laughable attack on his lordship last Friday; degrading, as comparing him to a cat was, he said, it raised him one degree above the animal state he was condemned to two years ago, for then he was only a rat. He said, if he was not able to discharge the total of his debt of wit to Mr. Burke at once, he was resolved not to die an insolvent debtor, but would pay him a shilling in the pound at a time, and so get rid of the whole by installments.

Mr. Fox.

Mr. Fox now rose, and spoke in answer to the noble lord [Lord George Germaine]. The conduct of the admiral and general on the capture of St. Eustatius was so exceedingly impolitic and dangerous, that it was no wonder that his honourable friend, where humane liberality was always active in protecting his place creatures, and in exalting the character of man by the correction of their vices that degrade while they outrage humanity. It was impossible for the House in that early stage of the business to know who the guilty persons were in this business. The noble lord had given a sort of an oblique answer to the question that was put to him by an honourable gentleman. Government had, and had not, sent orders to the commanders to confiscate the property. They had, and they had not, justified the proceedings at that time. They shewed a virtuous shame upon the occasion, and wished, by evasive answers to a simple question, to lay the blame at the door of ministry. The present was not the moment, he said, to blame, but to inquire. The honourable gentleman, who moved the question, had declared that his

his view was to bring the matter properly before the House ; to procure all the intelligence that he could, by which the House might be able, in some future moment, to decide on the question with that coolness and deliberation which the importance and the danger of the subject required. This the noble lord had in his just apprehensions for the fate of ministers, chosen to cal prejudging the matter, and this he had resisted, why ; because the business was to come forward in the courts of Admiralty, and it was now unreasonable to convict in the absence of the gallant officers to whom the question referred. The futility of this argument was visible in the statement. There was no intention to prejudge, there was no design to punish, the gallant officers in this stage, or in any future stage of the business, while they remained on their station, and were incapable of their own defence. No such thing was intended, the gentleman with whom he had the honour to act, professed and felt as sincere a regard for the persons and character of Sir George Rodney and General Vaughan as any person upon earth could possibly do. They despised slander too much, either to envy or to share with ministers in the practice of it. They left to them to whisper and paragraph away the characters of absent officers, while it should be the boast and the task of gentlemen on the other side of the House to protect them from their malice, and stand up the firm friends of injured honesty and honour. The present question was as different from that, and as any attempt to lower the character of the absent officers, much less to punish them unheard, as it was possible for words or language to convey.

His honourable friend had expressed his sentiments on the subject so fully, that he thought it was impossible for the House to mistake, or for any noble lord, however interested he might be in the event, to avoid the issue. The honourable gentleman had stated, that the proceedings on the capture of St. Eustatius had been violent and unjust, ignominious to the character of Great Britain, as a free, as a civilised, and as a Christian nation ; and contrary to the essential principles of the laws of war, as agreed on by nations, and practised by enlightened Europe. These proceedings, whether they were committed by the commanders upon the station without the orders of government, or whether they were done in obedience to orders, became a necessary subject for parliamentary discussion, and that instantly. Why not to punish the authors, whoever they might be ; not to pre-

judge nor convict of personal guilt in the absence of the criminal, but to pronounce on the great national question by which the national consequences might be avoided. The question of conviction might remain for a subsequent consideration; but the question of policy was immediate. Would the nations of Europe wait for the slow decision of the admiralty courts before they would pronounce judgment on the case, and proceed to retaliate, or in the benevolence of superior civilization, content themselves with desisting; no, without taking the trouble to inquire who or what was the cause, whether it was the rapacity of commanders, or the low revenge of ministers; whether it was the lust of plunder, or the littleness of malice; the profligate cruelty of an insatiate military, or the barbarous system of a headlong government; they would instantly and justly pronounce it to be a violation of all the laws of war on the part of Britain, and would hasten either to punish us for the horrid renewal of these savage practices which once buried Europe in ashes; or considering us as fallen beneath the notice of Christian nations, and remain with their arms across, suffering us to be extirpated by these foes which our madness or impolicy had joined against us. This was the cause that brought forward the present question, and it was on this account, that the gentlemen with whom he acted, considered themselves as bound by the obligations of their trust to urge and enforce the necessity of an immediate resolution of the Parliament, declaring their horror and surprise at such proceedings, and condemning it in the most pointed and emphatical terms. In doing this, it was not meant to interfere with the private question, nor to prejudge the actions that would certainly be brought in the courts below by individuals for the recovery of their property.

Was it a fit thing for Parliament to pronounce upon the general face of the proceedings, that they were wrong, violent, and ignominious? Certainly, if the facts, as stated by the honourable gentleman, were true, it was not only fit, but necessary, that Parliament should come to an immediate reprobation; and that Parliament might know the truth of the facts, his honourable friend had very properly moved, that the papers should be laid upon the table for the information of the House. If this was denied, what would be the immediate opinion of Europe? What! but that ministers approved of the outrages that were committed, and that they were done in consequence of instructions transmitted by themselves. Indeed there hardly required this testimony to
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establish the truth of this fact. The noble lord had, with a good deal of that unwary openness for which he was sometimes praised in the House, and blamed out of it, undertaken the defence of the proceedings, and declared that he saw nothing to condemn in the matter. The noble lord then thought that all the violence, the depredations, the seizures, and the sales; the banishment of the people, with the previous robberies committed on their goods; with all the train of oppression on the one hand, and suffering on the other, was right and reasonable, prudent, and safe. He was glad to hear the noble lord speak out; for now it was known, and would be proclaimed all over Europe, that ministers, and not commanders, were the plunderers of St. Eustatius, and the violators of the rights of war. The navy and the army were rescued from the ignominious aspersion, and the character of Sir George Rodney, for whom, as his colleague in the representation of Westminster, he was particularly anxious, was rescued from the obliquy which even great and good men must have otherwise thrown upon them. He desired that it might be known to all men from this instant, that the noble lord, one of the secretaries of state, cleared the commanders from all blame; conscious no doubt, as he was, that they had no share in the transaction, and the whole ignominy was from henceforth to rest upon his Majesty and ministers. He declared he was happy in the generous acquittal which the noble lord had given of the navy and army. The military of this country, and particularly the navy, was dear to him, and their fame ought to be held sacred to every British heart. It was from that virtuous body of men that the empire had derived all its respect and strength, and from which it must continue to receive its security and its fame. If they, by some hasty act of rapaciousness, or of avarice, should blacken the purity of their character, and stain their former deeds, Britain would sink to a state from which neither their future repentance nor their gallantry could be able to raise her; a state of ignominy more dreadful than disaster, since enterprise might retrieve disadvantage, but not restore reputation to destroyed. He was happy therefore that they were rescued from the calumny which had been ignorantly thrown upon them, and that all the disgrace, and all the infamy was now settled on the government of Great Britain? But would it rest here? Would the nations of Europe be content with punishing us by contempt alone, or would they think it necessary to go farther; and, for the protection of human nature, think it necessary to unite in the exemplary punishment of

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that

that power, who in bold defiance of all regulation, had dared to renew that system of horror and devastation which by general consent had been exploded? This was the present question to be examined. They might not rest satisfied with contempt. Their indignation might be active, and it was the wisdom of that House to counteract the impolicy of ministers, and by an open reprobation of the measures that had been pursued, avert from their country the dreadful consequences of retaliation. Did this interfere with the question of particular guilt? did this prejudice the matter? did it take from the courts below the processes that would naturally come before them for the recovery of property, or for the punishment of offence? Certainly not: it was a question of general policy, necessary to national character, and perhaps to national salvation.

An honourable gentleman with whom he had usually the honour to act, had taken up the defence of the commanders, and justified them by the laws and the practice of war. He said there was no man for whose opinions, as a professional man, he had a higher respect; but on this occasion he had the misfortune to differ from him, perhaps because he did not clearly understand his argument. If he meant to say that the naval part of a military expedition had equal, or perhaps greater, pretensions to a share in the booty taken ashore than the other, he was ready to coincide with him. There could be no difference of opinion about the just pretensions that the navy had to a share of the just plunder taken on the reduction of an enemy's fortress, garrison, or magazine; nor was it all the question to inquire what was the exact share that they ought to have. This was a matter of distribution, in which neither the legislature nor the government had chosen much to interfere, thinking it proper to be left to the private agreement of the parties. But if the honourable officer meant that the depredations which were committed at St. Eustatius, the plunder, the rapine, the cruelties, and the outrages were either agreeable to the laws of war, to the acts of parliament passed for regulating the division of prize money, or to the recent practice, either of the British or any other civilised state, he must be left to differ from him, and declare his most hearty opinion that the proceedings had been such as no law nor precedent could justify or approve. The honourable gentleman adverted to the argument of the noble lord, that the capture of St. Eustatius was a new case, differing from that of Grenada, and consequently not to be bound down by the same rules which had regulated captures of late. He confessed it was in some
points

points different from the case of Grenada. Grenada had a garrison of some importance; it had works; it had a military force, and it had martial spirit; for on the approach of the enemy, and being summoned to surrender, it bravely and strenuously contested the point, and made the enemy purchase the conquest by a profusion of blood. Was this the case of St. Eustatius? No. Without a military force or powers of self-defence, they exhibited to the enemy a naked bosom, and instead of contesting the battle, surrendered in a moment, and not even a finger was scratched in the capture of the island. So far, he confessed, the cases were dissimilar. But was this the reason that had given rise to the different treatment of the two islands? Was it because the Dutch governor of St. Eustatius had given up the island without a blow that the inhabitants were condemned to suffer the extremes of war, and to be robbed, plundered, and banished, by the conquerors? Was this the method that we chose to take to civilize the enemies of Great Britain, to receive us in the place of their present governors? And was it against the innocent submission of peaceable traders, manufacturers, and artisans, that we were to take revenge and not against the active resistance of men in arms that contended for their liberty. The argument was absurd as well as inhuman, and such as it might be expected from men pressed as ministers were in the present instance to support their conduct. "Oh! but St. Eustatius was not like other islands; it was a depôt for the enemy." Perhaps it was so, and, for that offence, among others, we had gone to war with the Dutch, and having gone to war had determined to have satisfaction, like a nation of honour, and not like a nation of cut-throats, for the injury which we had received. The cause of the war, as his honourable friend justly expressed it, was not to be alledged as a ground for aggravating the horrors of it. A gentleman, after receiving an injury, and challenging the author of it to fight him in the field, does not stab him in the dark. The extremes of war are abolished among nations, as the poignard and filetto are among gentlemen; and, whatever the offence may be, the battle is fair. The honourable gentleman, by a variety of the most powerful arguments, urged the necessity of coming to the resolution proposed, as a ground-work for their future proceeding in this business, to wipe away the disgrace, and prevent the danger that was likely to follow from such conduct.

The *Lord Advocate of Scotland* entered into a serious defence of the proceedings at St. Eustatius, and declared, that in his opinion, Lord Ad. of Scotland.

opinion they were strictly justifiable on the ground of necessity, of policy, and of the laws of nations. He had the highest respect and reverence for the character of Sir George Rodney, and believed that he was too brave a man to be cruel, and too disinterested to be rapacious. These were qualities so opposite in their nature, that they could hardly be supposed to meet in the same man; and therefore, he said, without any professions of unmeaning flattery, he did not believe that one thousandth part of the cruelties had occurred which were now told and circulated with so much acrimony. But granting, even for the sake of argument, that all those circumstances had happened, which the honourable gentleman, with all his force of colouring, had so feelingly described, what did they amount to? Merely to this: that private calamity was inseparable from public disorder; and that all the care of commanders could not so separate what was just and necessary from what was somewhat oppressive, as to prevent individuals from suffering more than their share in the general disaster. On which occasions the distresses would be aggravated, as the passions or the apprehensions of the head might operate, and the clamour would be much greater than the misery. This was not a fact which it required the example of St. Eustatius to demonstrate or confirm. Taking them as the usual consequences of a capture, consequences perhaps somewhat heightened by the peculiar circumstances of the case, would gentlemen say that this was a subject on which Parliament should determine, without hearing the parties; without hearing the facts; and without giving time for the operation of those laws which they had wisely framed for correcting abuses, and preserving property? Would they be so weak as by the mere force of sounding pathetic, melt first into mistaken compassion, and from compassion be hurried to injustice. Surely not. But it was said, that the present question did not prejudice the matter; it only instituted an inquiry, and brought papers before the House, which, throwing light upon the matter, would enable the House to come regularly to a decision; which decision, he declared, would be a prejudication, would be unseemable, would be improper. All that the honourable gentleman who had spoken last with his usual ability had said to the contrary had not altered his sentiments. "It was only a question of policy, and did not in any measure interfere with the question of guilt or innocence." He begged the honourable gentleman's pardon for saying, that it was strange reasoning, and somewhat different from his usual style, to alledge, that the House would not, by pronouncing the proceedings at St. Eustatius

propositions to be contrary to all the laws of war, unjust, illegal, and violent, absolutely prejudge the case which was to come before the courts below. If it was once declared that the proceedings were criminal, it only remained to know who were the authors of the proceedings, the commanders on the stations, or the ministers at home; and this was a proof so simple as not to be mistaken, since it depended totally on the orders that were sent out. But the material part of the question lay in the conviction of the guilt itself; and the House were called upon to say that the proceedings were criminal, without knowing on what ground those proceedings had gone, from what causes they had sprung, under what necessity, and with what political intention.

For his own part he required no other evidence than that which he had heard since he came into the House, to declare that in his mind they were justified by necessity, by policy, and by the laws of war. The learned gentleman had facts and arguments to support each of those propositions. The necessity of the harsh measures which were taken in the confiscation of the property, and in the banishment of a part of the inhabitants arose from the insecurity of the conquest without such means. The inhabitants were become so numerous, inhabitants all inimical to Britain, that even the rents of houses in the principal town, amounted annually to the amazing sum of a million of money. Was it safe to suffer those men to continue in the place, and permit them at large to practice all the stratagems, or perhaps the violence that enmity or that treason could suggest! Undoubtedly not. It had been the constant rule in all warfare, that the conqueror was to use the necessary means to secure his conquest; it had on many occasions obliged warriors to put their prisoners to the sword, and could surely warrant a harsher remedy than that which was adopted of sending the suspected part of the inhabitants from the islands for a time. So much for the necessity. The policy of the measure was clearly demonstrated by the benefit which was to result from it. The admiral declares in his letter that he considered St. Eustatius as of so much advantage to the Americans that he firmly believed the loss of it would put an end to the war in that continent. He said it was also as necessary to the other powers with whom we were involved, since they derived from this island a constant supply of all the ammunition and stores that were required to the carrying on of the war. Would it have been political then to have suffered this convenience to have continued, by which the enemy would have enjoyed

enjoyed the same opportunities as they had before the conquest! Undoubtedly not. It was good policy, in the commanders to destroy that magazine from which the enemy were supplied with arms against us, and it was in fact their duty; they would not have acted with fidelity to their country if they had not, by the most effectual means, cut off this channel of communication, and secured to Great Britain all the advantages of the island, whatever they might be. It was also consistent with the laws of war, if he knew what the laws of war meant, to destroy a magazine instituted and kept up, not as the gentleman said, for the common supply of all who came with ready money, not as a granary for all the world, but as a depôt for the enemies of Great Britain, and for them only. This the noble lord had proved by a curious fact in the letter of Sir George Brydges Rodney, that he had been able to procure but a very small inadequate quantity of cordage at a time of severe need, and was told that they could give him no more; whereas on the capture of the island he had found many thousand tons, more than sufficient to have supplied all the ships that were or could be in these seas for some years to come. It was therefore to be considered and treated as a mere magazine, and according to all the notions of the law and usage of war, which he had received, the British forces were justified in destroying that magazine, and converting it to their own uses. If we were to carry those fine ideas of liberal war to the length which the honourable gentleman seemed inclined to strain them, we should receive the character of being very good Christians and philosophers, but very bad soldiers and sailors. It was a principle in the laws of war, which Grotius, Puffendorf, Vattel, and every writer was agreed in, that it was just to destroy not only the weapons, but also the materials of war. Whatever was prepared, collected, and stored to facilitate offence, or which was in future to be used against us, it was proper to confiscate, without paying regard to any one consideration of the calamities that private individuals would feel, by being deprived of their property. Private individuals ought to know the danger of dealing in articles, during a time of war, subject to the established penalties of seizure and confiscation, and not come afterwards with surly complaints of their sufferings, arising from their own neglect or their avarice. He was warranted in saying, that upon all occasions it had been the practice of all ages, to inflict exemplary punishment on those who had been convicted of active enmity against a state; and such has been the case of St. Eustatius. It was
to

to him a new doctrine that the commencement of hostilities, was the moment at which all recollection of injuries was to cease, and when we were to forget all the insults and offences that had been done, and for the punishment of which we were driven into war. It was equally new to him, that a conqueror was under the necessity of receiving all the people that chose to remain, or that chose to come to a territory on his acquiring the possession of it, whether he believed their professions of allegiance to be sincere or not; and whether they were likely to remain peaceable subjects of the new dominion, or secret spies to favour the old. Convicted as the island of St. Eustatius was of affording the most insidious assistance to the enemies of Great Britain, while the Dutch remained in alliance with that country, it was fit that they should feel the vengeance of their insulted and deluded ally. At the same time however that he contended that all he had heard of the transactions at St. Eustatius were strictly justifiable, he by no means admitted that all which had been told was true. He took it entirely as related by the honourable gentleman, and argued from his own relation of the particulars in their justification. Those then were the things on which the House was called to pronounce hasty judgment, in the moment when our fleets and armies were employed on active service; when concord was essentially necessary, and when we had occasion for all the efforts which unanimity, and correspondence of sentiment, inspired by zeal and ardour could make. It would be an improper discussion for that House at any time, but it was particularly unseasonable in this, and he trusted the House would not comply with the motion which was made for the production of papers which might give dangerous discoveries to the enemy, but which could give no salutary information to that House.

Mr. *Courtenay* made a speech in his usual quaint stile of ferocious ridicule and solemn jesting, in which he paid warm encomiums to the admiral and general, and only blamed them for being so unseasonably inimical to the true interests of their country, as to chastise the Dutch merely because they had been perfidious, and had while professing kindness to Britain, been supplying America with stores, and France, and Spain. Besides they had acted singularly stupid, since by the improvident methods which they had taken, by confiscating the property, and stopping up the channel of communication, they had taken the most effectual means of putting an end to the American war, which all true lovers of their country must fervently regret. Proceeding in this stile he

Mr. *Courtenay*.

made use of the King's name, contrary to the rules of the House, on which he was called to order by Mr. T. Townshend; who, having reprov'd him for the introduction of a name which must not be used in that House, warmly supported the motion, as exceedingly necessary to be adopted in a moment when we are involved with so many enemies, and when it was so necessary by every gentle method to conciliate instead of provoking the states of Europe.

Mr. Byng, with his usual energy and zeal, called on the House to exercise its own judgment on the occasion, and not suffer an inconsiderate submission to the Treasury-Bench, to hurry them into a measure which they would, in all probability, have sincere reason to repent. The great commercial interest of this country had suffered by this conduct in a most sensible manner, and he was very much deceived if it would not be the means of giving a mortal stab to the trade of the libertine world. It seemed to be a principal part of the system of his Majesty's ministers to attack and injure the great commercial interest of the city of London. That city, the independence of which was a perpetual source of discontent, urged them to point their weapons most particularly to that quarter. On the present occasion the city of London had not only suffered a most severe loss by the confiscations at St. Eustatius, but they saw themselves brought to the brink of a precipice by this conduct from which there was no receding, and there only wanted the hand of the enemies of this country, following the example of his Majesty's ministers, to hurry them down. Should France imitate the system of Britain, and confiscate the property of the islands which they have taken, or may take; what must be the fate of the merchants of Britain? And was not this a danger to be dreaded? Was it not most likely that France, as she had it in her power, would follow the same plan, and confiscate the property of Grenada, and such other islands as they might hereafter seize on. Were the merchants of Britain criminal in pursuing a trade pointed out to them by the legislature of their country! and which they transacted under the authority and protection of known laws, agreeable to all the regulations prescribed in the acts. True, St. Eustatius was a general mart, but the merchants of Britain did not make it a mart for the sale of war-like stores to the enemies of their country. This trade was shortly legal and praise-worthy; and after having followed it agreeable to all the laws of their country, they found their property confiscated by order of those very ministers who had pointed out to them, and encouraged, and seemingly protect-

ed the trade. He sincerely trusted that the House would agree to the motion, that by the papers which were called for, they might be able to ascertain the truth of the facts that had been mentioned on that day, and which were notorious upon charge, though they were not proved to the House.

Mr. *Bamber Gascoigne, sen.* Lord *Surrey*, Sir *Thomas Eggar*-Mr. *Bamber*
ton, General *Smith*, and Mr. *W. Stanhope*, spoke shortly to the question: and

Mr. *Burke* concluded the debate in a speech in which, with his usual force of argument, mixed with powerful wit, he answered every thing that had been advanced in opposition to his motion. The mode of reasoning that had been adopted, he said, gave him at least this consolation. It shewed him that ministers were ashamed of the orders which they had given, and could not treat the question fairly. Where there was shame there was hope. They saw and felt the danger of their conduct, and were anxious to throw doubt upon it, wishing to conceal that it originated from their instructions, and leaving the army and navy responsible for the disgrace, and for the consequences. The honourable gentleman said, that there was not one argument which deserved a serious reply. The honourable captain who spoke early in the debate, confined himself to an argument on the propriety of the navy's sharing in booty, captured on shore, in common with the army. Surely, in all joint expeditions, it was a thing clearly known and established, that they shared agreeable to the arrangement made by themselves. But was this a reason for sharing in the illegal booty! for plundering where they subdued! for becoming the tyrants, instead of the governors of the territory which they invaded! surely not. The noble lord who had followed him, had entered more largely into the question; and he had been answered as fully by his honourable friend; all the argument that he had advanced was, that the capture of St. Eustatius was a new case, different from that of Grenada, and from every other; and therefore the conduct observed on this occasion was not to be measured by others. In what respects did it differ? It was well pointed out by his honourable friend, that it differed only in circumstances; which ought to have rendered the property more sacred, because, as he had said before, there wanted the very essence of war, reciprocity; and consequently the inhabitants were intitled to protection by the most powerful of claims.

The learned lord on the other side of the House, who had gone into a systematic defence of the proceedings; had ad-

vanced some arguments truly singular ; and which merited a particular reply. He had told the House, that they ought not to comply with the motion for the production of papers ; because, if they were to come to a resolution that the proceedings had been criminal, they would effectually condemn one or other of the parties, since it must be either the commanders or the ministers that were guilty. The caution of the learned lord was very laudable. “ The subsequent evidence would be short ; establish the facts by the production of the papers, and his Majesty’s ministers can lie no longer concealed ; have mercy then on his Majesty’s ministers ; you cannot decide on the question of policy without involving the question of guilt ; the safety of the ministers depends on your rejection of the motion ; and therefore you cannot in this instance consult the benefit of your country, since a nearer and dearer objection is to be preserved ; the object of our gratitude, as he is the author of our political being, the man in whom we live and move, and from whom all the good things of this life are derived ; he is to be destroyed by the success of the motion ; and therefore save the minister, and let the empire take care of itself.” This was the true language of the learned lord ; a sort of language to which they were pretty much accustomed of late, and which was always found to succeed to admiration. It was always the conclusion of every harrangue, whatever was the beginning, when argument was exhausted ; when evasion failed ; when law had no more quibbles to confound, nor eloquence to confuse : “ Oh, save the noble lord ! is still the last.” He trusted that this argument would not always prevail, when it came to this short issue ; whether we must part from the minister or from the empire ; and he believed that we did not want much in our journey to that period, then the noble lord in the blue ribbon would have a woeful proof of the instability of that friendship which is founded in interest, began without esteem, and continued without affection. The honourable gentleman took notice of the light manner in which the learned lord had spoken of the calamities which had been suffered at St. Eustatius ; calamities unparalleled in the history of modern war, and which would leave a melancholy proof behind them, that however the lights of philosophy might teach man to bear miseries, they had not yet taught Britons to forbear to inflict them. It was a light matter then in the opinion of the noble lord, and to be considered merely as a matter of course, incident to war, and inseparable from the capture of an island ;

island; to pronounce a sentence of beggary upon a whole people; to separate the most tender relations of nature; the husband from the wife, and the parent from the child; to tear asunder all the ties of a community, the numerous branching affections of a happy society; to divide them at once, and by one fatal stroke of a conqueror's sword cut that Gordian knot which linked them together by a social chain; to pronounce a sentence of partial banishment, more severe for not being general: and hurry them in one rude moment to countries where they must not only be aliens, but beggars; all this, in the learned lord's conception was no more than the common consequences of war, which commanders might inflict without dishonour, and the conquered ought to bear without complaint.

Having with equal poignancy commented on other arguments of the learned lord, he returned to the real question before the House, and called upon gentlemen to be serious, for it was a serious moment. The predicament was solemn. We must not sport with consequences so dreadful, nor avoid a question so necessary to be determined on broad, impartial ground, for the sake of saving a minister, or of supporting a party. If retaliation was to be dreaded, it was better surely to prevent than to punish it. Heaven knew we were not in a situation in which we held the power of punishment in our hand; struggling for our existence, we had to court the kindness and lenity, not the resentment and retaliation of nations, that we might by our sufferings gain a friend, if we could not command one by our power, nor secure one by our respect. In short, if either empire, or character was dear to us, as a people; if we were not degraded in sentiment as well as in rank; if we were not grown barbarous as well as desperate by our calamities, we must by a resolution of Parliament atone for the misconduct of either of our commanders or of our government. If we must fall, let us at least perish with honour. Let us not, with the loss of independence, lose also our good name as a people. Let us not in the last moments of our existence, so far forget the true road to glory, as to outrage the enemy whom we cannot overthrow. If the difficulties of our situation are daily increasing, let us see "what reinforcement we may gain from hope, if not, what resolution from despair;" by noble and strenuous enterprises we may prevail and triumph; the nations will not suffer us to be crushed if we preserve our virtue; and Providence, approving of our exertions, will stretch

forth the powerful arm to save. And if we fail, we shall be lamented, even our enemies will do justice, and history will applaud our name.

The House now divided on the motion, as originally made.

Ayes 6; Noes 160.

May 15.

The Solicitor General.

The *Solicitor General* moved that the order of the day be read, for the House to resolve itself in a committee on the bill for preventing certain abuses and profanations on the Lord's day, called Sunday. On the question being put that the Speaker leave the chair,

Mr. Martin.

Mr. *Martin* said, he could not conveniently attend the second reading of this bill, but he understood that he should not be irregular in endeavouring to say a few words against the principle of it in its present stage. He certainly meant to give it his hearty opposition, as thinking the bill perfectly inconsistent with religious liberty, and regarding intellectual as even much more horrible than corporeal slavery, he had much rather that his body should rot in prison than have his mind chained down by the dreadful fetters of ignorance and superstition. He could assure the House, that no man whatever had a more profound veneration for the pure doctrines of genuine Christianity than he had, but he had always held in detestation that idea, that persons of the muddling and inferior rank should be excluded from the privilege of searching into and examining the doctrines of any religion they may wish to inquire into. It seemed to him that one of the prime excellencies of the Christian religion consisted in this, that its doctrines are as eminent for their plainness and simplicity as they are for their purity and sublimity. If any mysterious matters had been introduced, he believed them to have been introduced by the craft of ill-designing men, and particularly priests, who could not have turned their holy profession to mercenary purposes, had it continued in its original purity. He was very ready and happy to allow that a considerable part of the clergy, in every country, might be men of real worth, and well-deserved reputation, but he was equally ready to declare, that he believed the majority to be composed of characters as ambitious, as selfish, as worldly-minded, and as ignorant, as those of any other set of men whatever. They often reminded him of the character given of such men by Milton, in bewailing the loss of his unfortunate and beloved friend Lycidas. He says,

“ How

“ How well could I have spared for thee, young swain,
 Enow of such, as, for their bellies sake,
 Creep and intrude, and climb into the fold;
 Of other care they little reck’ning make,
 Than how to scramble at the shearers’ feast;
 And shove away the worthy, bidden guest,
 Blind mouths, that scarce themselves know how to hold a
 sheep-hook;
 Or have learned ought else, the least,
 That to the faithful herdsman’s art belongs.”

If such was the character of the generality of the clergy, and such as he most confidently believed it to be, was it then right or fitting that those gentlemen should have, not merely the leading, but the absolute guidance and controul of our consciences and opinions? As to the universities, if it were an advantage to have received part of one’s education at one of these seminaries, it was an advantage that he could not boast of; but he should very humbly presume, that any man of a moderate share of natural understanding, and a little knowledge of the world, would be as competent to judge of any political or religious regulation as the fellow of a college, or even the dignified character of a head of a house. As to those Sunday evening amusements, which are objected to, he was much inclined to think that they rather prevent than do any mischief. Surely it was far better, that men should exercise their understandings in disputes of any kind, than be guzzling, quarrelling, or gambling in public-houses. If during the disputes, any thing grossly offensive to decency or good manners should be uttered, he doubted not but the person speaking would be immediately scouted and treated with every proper contempt; but if, on the contrary, things really ridiculous only should be laughed at, he thought the sooner such things were exploded by all ranks of people, the better it would be for the interest of truth and virtue.

He added, that he was very glad to see from the newspapers, that on a late occasion some notice had been taken of the practice of gaming in a higher sphere; and he begged leave to ask the learned gentleman, who brought in this bill, (and he hoped he would honour him by an answer) why he did not present another, effectually to suppress those abominable nurseries of gambling, which are established in the neighbourhood of St. James’s. Those houses were the bane and destruction of our young nobility and gentry, by rendering

dering them first necessitous, and afterwards consequently subject to the temptations of a minister, the badness of whole measures require corruption to support them. There might, he said, be some great exceptions to this general effect; but if there should be any men of super-eminent abilities on either side of the House, who might be the scourge and terror of any bad administration, he hoped that the learned gentleman, whose abilities and whose authority were, he was sure, equal to the task, would exert those abilities and that authority in suppressing so great, so destructive, and so crying an evil. He thought the learned gentleman was particularly called upon for this, as a representative for one of their universities, and consequently having for his constituents many of that description, who were very likely to fall a miserable prey to that unhappy and contemptible vice.

It struck him, that there had some art been used in joining two very different matters in the same bill, he meant Carlisle House and the disputing assemblies. As to the promenade, he never was there; but he should imagine, that when young men are inclined to indulge the lusts of the flesh, they rather seek privacy and retirement, than join the croud of public assembly. He was very much for keeping strictly the sabbath, in regard to refraining from our ordinary occupations, but he never could see any prohibition from amusement even in the fourth commandment; and if we could have any innocent amusements, that might be promoted without the labour of others, he should think them perfectly consistent with the proper observation of the sabbath, and tending greatly to promote that temper of mind which incites gratitude to our Maker, and benevolence to mankind.

He had only to add, that he hoped they would permit the middling and lower ranks of people, as well as the great and learned, to exercise the undoubted privilege of reasonable creatures, that of inquiring into, and accepting or rejecting, any doctrines, as they appear reasonable or unreasonable to the understanding which God has given them. But if it should unfortunately pass, a gentleman whom he did not know, but whose opinion he had heard, had said, that the act should run in this manner.—“And it is hereby enacted, that all his Majesty’s subjects shall be permitted to exercise their reason, and use the utmost freedom of inquiry into religious opinions, and that for six of the days in the week; but on the seventh, which is called Sunday, their understandings shall be in a state of rest.—And it is further enacted, that

that six months imprisonment and fine of twenty pounds shall be levied on every man, who shall profane the Sunday, by exercising those rational faculties with which God has endowed him."

He flattered himself that so ridiculous a bill would not pass, or at least that the House would defer it till another session, in order, if it be proper, to make any regulations for the observance of the sabbath, that they might be made after a candid, mature, and proper examination into facts and circumstances.

Sir *Joseph Mawbey* supported the argument of Mr. Martin, as far as the same had relation to gaming. Sir Joseph said, the gaming houses near St. James's, were nuisances of the worst kind, and as far as it was competent to Parliament to interfere, he thought they ought. The morals of young men of fashion were as well worthy the consideration of the House. It was on the rising generation that all our hopes, and all the expectations of the future welfare, and prosperity of this country were founded, and therefore every measure that tended to prevent the minds of the youth of family, from being tainted with a ruinous vice, must be a desirable circumstance to obtain. Some of the young men were, perhaps, born to an hereditary seat in Parliament, and others from their family connections, from the situation of their family estates, and from various other considerations, would in all probability have seats in that House. Therefore, as gentlemen well knew that personal independence was the best armour to resist the attacks of influence and corruption, every possible means of securing independence to future senators ought to be adopted, and he knew of none more likely to effect this laudable purpose than strengthening the laws against gaming; he hoped therefore an instruction to the committee to insert a clause for that end would be received with the approbation of the House, and he intended to move it. He was told by the speaker, that it would be irregular now, as there was a question before the House which must be first disposed of.

Sir Joseph Mawbey.

Mr. *Hill* said the profanation of the sabbath, by almost all orders of people, was a matter of shameful notoriety, and threatened the most serious consequences to the national morals in general. He commended the bill, and wished it went farther. He talked of a newspaper being put into people's hands just as they were going into church, and after mentioning various other topics, took notice of the old custom of debating in that House upon religious subjects, which prevailed in the first Parliament of Charles I. a Parliament composed

Mr. Hill.

of virtuous and good men, men extremely dissimilar in their views from those who formed that Parliament which sat in the latter part of the reign of that unfortunate prince; the case, he observed, was at present totally different. Religious subjects were now very rarely brought under discussion within those walls; he should be pardoned, therefore, he hoped, for having, the very first time he presumed to rise, and called upon the attention of the House, spoken on so serious a consideration, and the rather, as though religion had lately been adverted to one day out of seven, generally speaking, it was not mentioned there once in seven years.

The Solicitor General. The *Solicitor General* in a short speech observed, that he would most willingly have adopted the ideas relative to gaming, suggested by the two honourable gentlemen, had we not now in our statute books as excellent laws against gaming as any country in Europe. But where men of rank and distinction were bent on committing crimes, which from their nature must be perpetrated in private, no law could reach the evil, so as to prevent it entirely; but wherever money was taken to admit persons to gaming tables on a Sunday, the bill, now in its progress through the House, would reach the case, and apply a remedy.

Ld. Surrey. Lord *Surrey* thought, if there must be a bill of the kind introduced, it ought not only to aim at the putting a stop to pursuits of gratification to the mind, and of personal pleasure, it ought also to strike at traffic, which was now carried on every sabbath day, with a shamelessness that was perfectly astonishing. He knew of no profanation of the sabbath that called more for reformation than the custom of waggons, stage-coaches, &c. travelling on Sunday. They ought to be abolished; at the same time when he said this, he declared, he did not mean to be understood, as intimating that persons, who from sickness or confinement all the rest of the week, by unavoidable and useful avocations, ought not to be allowed to take the air on Sundays, or take a ride for their health; he meant merely that trade and traffic should cease for that day, and be confined to the other six.

Mr. Turner. Mr. *Turner* rose and reprobated the bill, which he said was not meant to answer any really good religious purpose, as was pretended, but was an effort of tyranny over men's consciences. He hardly approved of any thing suggested by the long robe; half the countries that had been ruined, were ruined by men of the long robe. He made a distinction between ministers who were worthy, good men, and ministers who were proud priests, wealthy, wallowing in preferments; pluralists,

pluralists, deans, and bishops. He said, he never paid his court to any of the latter. Where he lived in the country, almost on the banks of the Tees, on the side of which his house stood, there was a number of poor clergy; on the other side the river, there were as many rich ones. The former were the men he delighted to keep company with; they were attentive to their duty, pious without affectation, good ministers, ready to give all the advice and assistance their neighbours stood in need of. The curate of his own parish had but forty pound a year; and he was glad to see him at all times. His table was open to him every day in the week, if he chose to come to it. With regard to the inefficacy of the laws against gaming, which the learned gentleman spoke of, he would tell him the reason; they were laws without any principle of law in them. He stated a suit brought many years ago for trial before a jury at York, by collusion between the parties, where the penalty to be forfeited was ten pounds, and the informer was to have fifty pounds by the act of Parliament. Baron Clive tried it, and though the case was made out, the jury saw through the whole connivance, and gave a verdict of not guilty, and they were in the right of it. Laws without principle, that is, without equality, without holding out the same portion of justice to one as to another, were good for nothing; and so my Lord Somers said, whose tract Mr. Turner produced from his pocket, declaring he never went without Lord Somers in his company.

Mr. *Sheridan* said, that whenever the vice of gaming was to be suppressed, he hoped that most pernicious species of it, the adventuring in lotteries, would be the first object of attention: this, it was true, was patronised by the legislature, and yet nothing could be more detrimental to the morals of the people; for it not only promoted the spirit of gambling among the lower orders of society, but, by suspending all industrious pursuits, tended to introduce every kind of depravity. While the evil was permitted to reign in its late extent, it was in a fair way of curing itself; for every second tradesman being a lottery-office keeper, and very few possessing any capital, the smallest loss made them abscond, and the public credulity was thereby gradually diminished; but now the practice had been regulated, by the wisdom of Parliament, for the better security of adventurers, it would no doubt perpetually increase, with all its train of mischievous consequences, for government had entered into a sort of partnership with the office-keepers, and as they were to derive a benefit from the success

of the delusions, they would no doubt do every thing in their power to extend their dealings.

As the learned gentleman who brought in the bill, had already on one occasion stood forward, not only as the *censor morum*, but as the *arbitrator elegantiarum*, at once the Cato and the Petronius of the age, he hoped he would be active in his new character, and would join in putting a stop to lottery gaming, by bringing in a bill to abolish all the present lottery-offices, and preventing the opening of any new ones in future.

Mr. Saw-
bridge.

Mr. Sawbridge said, that there was a promenade to the full as fit an object for abolition as that at Cullis-House, and that was the promenade in Kensington-Gardens, which was much more frequented, and, he believed, by worse company. Mr. Sawbridge repeated his former objections to the bill, and said, he had always understood, that the more truth was inquired into the better.

Th. Solici-
tor General.

The motion was put, and the bill went through the committee, the *Solicitor General* moving, that the blanks for the penalties be filled up as follows: The master of each house, where the meetings prohibited by this bill should hereafter be proved to assemble, to forfeit 200l. The moderator of every such meeting to forfeit 100l. And each of the servants who should be proved to stand at the door, to forfeit 50l.

Ld. Surrey.

Lord Surrey moved a proviso that nothing in the bill should be construed to destroy the toleration of Protestants by act of Parliament. This clause he proposed for the purpose of screening the dissenters from any penalties for holding meetings on Sundays. It was explained also, that this bill could not affect any meeting, to which admission was not obtained by money. In all other meetings of Sunday, for the purposes of debate, if money was taken for admission, the penalties were to be as above. The bill went through the committee without farther debate.

May 16.

Sir Herbert
Mackworth.

A motion was made by Sir Herbert Mackworth for referring to a committee of supply the report of the committee appointed to consider the petition of Doctor Smith, applying for a reward for attending the jails of London and Westminster.

After an unimportant debate, the House divided: ayes, 54; noes, 41.

The report from the committee appointed to examine the petition of the city of London, requesting the assistance of Parliament to repair the jail of Newgate, which had suffered by the late riots, was read.

Mr.

Mr. Sawbridge stated, that the sum wanted was 30,000l. which, however, would not be required all at once; and they wished to have it granted at three periods, 10,000l. this year, and 10,000l. each of the two years to come. After some debate, the matter was again referred to the committee, to ascertain that there was no fund in the city from which the sum might be drawn, and applied to this use *.

Lord North said he was ashamed to trouble the House, by repetitions of begging more time relative to the East-India Company; but the directors of the company had made propositions which perhaps might prevent some trouble to the House if they and he could agree. A meeting had been held yesterday in Leadenhall-street, when several resolutions were come to, three of which he read: it was necessary a general court of proprietors should be called for their concurrence. That general court would be held on Friday next, after which they would probably come to a ballot; so that it would be Monday or Tuesday before he should know their determination: for these reasons he wished to postpone the matter to the Wednesday next.

Mr. Hussey could not see the necessity of postponing this business from day to day, because a short bill would answer the purpose as it had done before, and give both the noble lord and the directors time to digest the business properly. He was entering into many particulars; but being informed by the speaker that this was not a proper time he sat down.

Lord North thought a short bill would not answer the purpose; it was necessary to come now to a decision; the interest of the company and that of the public were united. The sooner a bargain was made between them the better it would be for both parties: each would know on what foundation they stood.

Gen. Smith and Mr. Baker each said a few words, in favour of a short bill.

Sir Grey Cooper supported lord North; and the question being put, was carried without a division.

May 17.

The bill for the better preventing smuggling was committed. It contained a clause for confiscating the ship or vessel, on board of which should be found a greater quantity of spirits, wines, tea, &c. than should be necessary for the consumption of

* On the Committee's making their report that there was no fund, and that the sum asked for was really wanted, the House in a committee of supply, granted 10,000l. for this purpose.

of the ship's company. This clause was thought by many members too severe; because it might happen, that the owner of the vessel should be perfectly blameless, as being totally ignorant of any intention to defraud the revenue: the master and crew might take goods on board in order, if possible, to run them, while the owner could by no means know any thing of this matter: and yet by this clause, though completely ignorant of the commission of the offence, it was the owner, the unoffending owner, who was to be punished; and that too, by the total confiscation of the ship. This was the sum of the reasoning of Mr. *Duncombe* and Sir *John Delaval*; the latter of whom moved an amendment, that instead of the confiscation of the ship, a penalty should be levied of treble the value of the run goods found on board.—Mr. *Wilberforce* put a case, in which it would be not only severe, but unjust to confiscate the vessel: a master of a ship might take in the necessary quantity of spirits for a three months voyage; and by fortunately having a fair and brisk wind, perform the voyage in six weeks: the custom-house officers visit his ship, and finding in it a greater quantity of spirits, &c. than the law allows, insist that the vessel shall be confiscated. In this case, confiscation must ensue, unless prevented by the interposing discretion of the commissioners; but he wished to combat and destroy not only this heavy penalty, but the discretion; for discretion was but another name for tyranny, and laid an unintentionally offending man at the mercy of a whimsical commissioner, who might confiscate or not, just as caprice should direct him.

The *Attorney-General* observed, that there was not a greater hardship imposed by the present bill, on the owners of ships, than that which existed already. If at sea a ship should, through the ignorance or negligence of the master, run down another; the owner, though completely ignorant of the transaction, and consequently innocent of any intention to damage the property of another, was bound in law to make good the damages; nay, though the ship that had run down the other should not be worth 100^l, yet the owner was bound to make good the damages, though they should amount to 10,000^l. It was the same with respect to coaches; if a servant driving his master's carriage, should damage that of another person, the master, the unoffending master, would be bound to make good the loss. It would not be proper, he admitted, that a ship should be confiscated in such a case as the last speaker had stated; but in that case, and in others, such as when even the master or commander of the ship knows not that any
of

of his men have run goods on board, the ship could and ought to be protected only by the discretion of the commissioners; for if it should be once enacted, that a ship could not be confiscated, unless the master knew that there were run goods on board, the consequence would be, that no master ever would know it, because he would not take the trouble to try.

Sir Thomas Clavering was on the same side of the question; and Sir George Young on the other.

The committee at last divided; and Sir John Delaval's amendment was rejected; and the original clause for confiscating the ship was carried by a majority of 29.

For the amendment 53 Against it 87

The committee then went through the remaining clauses, which met with no opposition.

The House being refused, the order the day was read, for reading a second time the bill for preventing desertion from the royal navy.

Mr. Mordaunt the first who opposed it: the bill, he said, heaped hardship upon the most valuable set of men in the empire; and it was difficult to determine, whether the bill was more exceptible in its principle or its provisions: to him they appeared grant to liberty and sound policy; as they attempted to retain, by punishments, those who ought to be gained by rewards and allured by gentle usage. He then went through the different clauses, and stated his objections to each as he went along. Upon the whole, he considered it as leading to promote, instead of preventing, desertion, and of keeping men back from entering into the navy, instead of wooing them forward. He concluded with a motion, that the bill should be read a second time on that day four months.

Mr. Mordaunt

Admiral Keppel also found fault with the bill; and was of opinion, that if it passed, the House would be obliged to pass another for manning the merchant ships; for the present bill would not leave them the means of getting hands to navigate their vessels. There was something radically wrong in the management of the navy, otherwise we should not hear of such desertions as of late had thinned the service: in the last war they were little known. There was a practice, to which he ascribed, in a great measure, those desertions; he meant the splitting of ships companies, and separating those who wished to serve together under some particular officer, to whom they were personally attached: serving under the officer they liked, they never thought of desertion; but being sent to serve with men they never saw before, and under an officer they did not know, they fled from a service they disliked,

Admiral Keppel

and thus the ships were thinned. He knew an instance of a ship's company that was dispersed up and down among other ships, while not above 2 or 300 were suffered to remain on board their own: it was well known how disagreeable this measure would be to the men, and therefore the place of their destination was kept a secret, the consequence was, that many of them deserted, and the rest were unhappy, and clamoured. The ship he alluded to was the *Victory*, which he had had the honour to command. It was a fact which the papers upon the table would prove, that not fewer than 42,000 men had deserted from the navy in the course of the present war. This was a most unprecedented thing; and the Admiralty ought to reflect whether they had not, by this treatment of the navy, given rise to this uncommon desertion. He was sorry that he had not been able to attend the House while the Greenwich-hospital bill was going through it; he would have taken care to speak in favour of the common men, when those whole bundles it was to protect them had sacrificed their interests: by that bill every common man's share of prize money, which should not have been claimed for three years, was given to the hospital. He was sorry the term had not been enlarged to six years. He knew of two instances in the last war, where the captors had not been able to return to England for four years after they had made the prizes; in one case they were intitled to 35*l.* a man, the whole sum amounting to 8000*l.* and yet they were never able to get a shilling of their money, because the application had not been made within the three years specified in the act of Parliament. It therefore was not surprising that men should be ready to desert when they found so little encouragement to do their duty. He just touched upon the late loss of the *Eustatius* fleet; he said he would not dwell upon it: he should only cry shame! shame! upon those, who had suffered a paltry squadron of five sail of the line to insult our coast with impunity.

Mr. Webb. Mr. Webb attributed the spirit of desertion to the severity with which the seamen were treated in the king's ships, and consequently he must disapprove of a bill, which, by enacting greater severities, must encrease that spirit. He verified his opinion by what happened on board the London East-Indiaman that had been run down in a gale of wind, by the *Russel* man of war. When the *Russel's* boats were employed in picking up the men who had thrown themselves into the sea, the captain, as he was quitting the London, saw thirty-five of his men remain behind; he called to them to save

save themselves, by quitting the ship before she could go down; they replied that they would not, because they were deserters from the royal navy; and must, if they should return, be either hanged, or flogged from ship to ship; and sooner than bear this, they would go down, they said, with the London. The captain expostulated with them, but in vain; the ship went down, and with her perished thirty-five as good seamen as any in the British navy, who preferred death to the rigorous punishments inflicted in the King's ships. He knew the truth of this anecdote; for we had it from the captain, who was his own brother, and whose entreaties had not been able to prevail on those men to save themselves. In former times, he said, we were not at such a loss for seamen as at present; we had Swedes, Danes, and Russians to navigate our merchantmen; but now they were kept at home by order of their courts. We had America also to supply us with seamen—now they supply our enemies; nay our own men—driven from the service by the severities annexed to it, are absolutely in arms against us. He was informed by a captain of an English East-Indiaman, who was prisoner on board a French 74 gun ship, in the action of the 27th of July, that in the same ship were 40 British seamen. These were the men who went aloft, and worked the ship—the others were the men who commanded the guns, and fought best against their country. The same officer had assured him, that while he was a prisoner on shore, where he was confined and unwell, there were 500 British seamen confined with him. These were tempted by the French with advantageous offers if they would enter on board the French ships of war, or the American privateers, that were sitting out in the ports of France. The offers so far prevailed that some days 15, some days 20, used to embrace them and it had brought tears in his eyes to see, that of 500 fellow-prisoners 300 had taken up arms against their country.

The present bill, if passed, would ruin our trade: and if it should be read a second time, they would have petitions from all the great trading towns in England against it. The directors of the East-India company had already sent for him to advise with him about it; and had agreed that a deputation should be sent to lords North and Sandwich, to request that they would discountenance the bill, because if it should pass they could not be able to carry on their trade. He himself, as a husband of ships, having now to supply the company with several, found it a very difficult matter to get men: ships, rigging, stores, &c. he could get; but if the bill should pass, it

would be out of his power to get men. Even now it cost the owners of the company's ships 1000*l.* extraordinary to the crew of each ship; and to encrease their hardships, and those of the company, one of those ships returning home with a cargo worth between 3 and 400,000*l.* from which the public revenue was to derive considerable advantage, and which consequently well deserved protection, if met by a king's ship, had 30 or 40 of her seamen pressed, and had not a sufficient number left behind to defend her from the common dangers of the sea, much less to defend her against the attacks of the most insignificant privateer. Upon the whole he would oppose the bill, as oppressive to seamen and injurious to trade.

G. Gaf-
soyne

Mr. *Gafsoyne*, sen. disapproved much as the honourable member the practice of taking from merchantmen those hands that were necessary to navigate them; he had always concurred in giving protections to the trade: he had always, and ever would, set his face against those who should wantonly distress it; but he saw no force in the argument the honourable gentleman drew against the bill, from the dislike the trading towns had to it; if it had any force at all, it was certainly for, not against the bill, for it demonstrated that the merchants manned the ships with deserters from the royal navy; and if the bill should pass, desertion being cut up by the roots, the merchants could no longer succeed in seducing the king's seamen from his service, and therefore the more they should oppose the bill the better opinion he would entertain of its efficacy in answering the end for which it had been drawn. Gentlemen seemed to feel very much for seamen, and opposed this bill, because they conceived it enacted additional severities against that body of men: but in this they were most egregiously mistaken, for there was not an idea of intended severity against the seamen to be found from one end of the bill to the other. The penalties it was calculated to inflict were levelled solely against those who should entice or seduce them from the King's service; harbour or conceal them after desertion; and against those masters of ships who should employ them, knowing them to be deserters. This being the real object and purport of the bill, was there a shadow of rational objection to it? Must not every gentleman have felt the necessity of checking the practice of crimps and others, who made it a point, nay a profession, to seduce men from the navy? Was it not proper to cut off temptation from the seamen? It was difficult for them to withstand the offers made to them by merchants and others: higher wages,

easier

easier service; no danger, but that of the sea to encounter; and to become their own masters at the end of five, six, or twelve months, were temptations too strong to be resisted by men who had not a nice sense of duty; and therefore it ought to be made penal in those who should make those offers; and however necessary it was to encourage trade, it ought to be a prior consideration to man the royal navy, by which alone the trade of the country could be protected. Gentlemen had mentioned the practice of pressing; and had ascribed to it the desertions complained of: but was it reasonable to suppose that 42 000 men, who had deserted, were all pressed men? They certainly were not; and most undoubtedly a very large proportion of them had been volunteers, and had received bounty money; some fourteen, some fifteen, some eighteen pounds in bounty from the king, the city of London, the India Company, and subscription-money. Hence it was clear, that even volunteers were not to be held by reward to be as the merchants were permitted to offer them greater; and few seamen, after having received 16l. from the public, would resist the alluring offer of 20l. more; with higher wages, and service in which they should be exposed to no danger but that of the sea, which they did not value a rush.

Upon the whole, the arguments that he had heard, were against the provisions, not the principle of the bill; and as there was nothing properly before the House now, but the consideration of the principle, namely, whether the bill should be read a second time or not, the arguments appeared to him premature, because they were directed against the clauses, which could not be considered till the bill should be in the committee; and as no one had brought the smallest argument to impeach the principle, so he trusted the House would let the bill go to a committee, where the clauses, against which the objections lay, might be so framed as to make the whole of the bill completely unobjectionable.

Mr. *Dempster* was strongly against the bill, thinking its tendency not only dangerous to the liberties of the seamen, but the nation at large, for it established a kind of inquisition throughout the navy, and men of all descriptions might incur the penalties imposed without any intentional offence. There was one clause, and only one, to which he saw no important objection, that which imposed a penalty on crimes for seducing sailors from the service; but as the principle of the bill was so highly improper, he thought it would be better to reject it altogether than let it go to a committee; and

Mr. *Dempster*.

if the gentlemen thought the clause he alluded to of importance enough to make a new bill for that alone, he for one should not oppose it.

Mr. Dunning.

Mr Dunning took the same side ; but differed so far with his honourable friend as to think every clause in the bill liable to weighty objections ; the honourable gentleman over the way [Mr. Gascoyne] had said it might be altered in a committee, so it might ; but, in his opinion, it was so misshapen a monster altogether that no art could be able to lick it into a pleasing form. The principle itself he totally disapproved, for there was but one way to man the navy effectually, that was to make it the interest of sailors to enter, which of course would make it also their inclination ; but compulsive measures could never have the desired effect, and ought not to be attempted. He did not, like some of his honourable friends, think pressing unconstitutional, for it was legalised by necessity ; on that plea, it had been practised in the best times as well as in the worst ; and therefore he could not condemn it ; but to exceed the limits of necessity, and oppress this useful body of men more than the exigencies of the state required, was totally unjustifiable, and that was the obvious tendency of the present bill. Having this objection then to its principle, there needed no other argument against its commitment ; but he would not stop there, he would go through it clause by clause, and endeavour to shew that the provisions were equally absurd and improper with the principle on which they were founded. This he accordingly did with great accuracy, suggesting a variety of objections to each clause separately, and condemning some as inhuman, some as nugatory, others as impracticable. Among the rest, there was a clause requiring captains of merchantmen to use their endeavours to discover whether the men they engaged were deserters. This, he said, was a very mysterious direction, and the captains would no doubt be as much puzzled as himself to find out its meaning ; for how they were to make such discovery he could not conjecture ; but he apprehended there was a clause in the bill originally antecedent to this, though now struck out for reasons best known to the framers of it, which enacted that all sailors, on being impressed, or entering on board the fleet, should be marked with a hot iron, like sheep, either on their backs or some other part of their body, that they might be known again, as well by captains of merchantmen as their proper owners.

Mr. Penton.

Mr. Penton rose after Mr. Dunning, and defended his bill from all the preceding attacks ; particularly by proving that the

the clauses most objected to by the last speaker were copied verbatim from former acts of Parliament.

Mr. *Sheridan* said, that the honourable gentleman had omitted to take notice of one objection adduced by Mr. *Sheridan*. *das.* Dunning, which was, that when sailors, suspected to be deserters, were brought before a justice of the peace, by virtue of this act, though the suspicion turned out to be groundless, they might, nevertheless, by authority of former statutes be impressed. He ironically complimented the board of Admiralty for the high sense they seemed here to entertain of the honour of British sailors; it might be illustrated by a very trite anecdote of Julius Cæsar; for, like his wife, the character of our seamen must be as clear of suspicion as just impeachment; they must not only be deserters, but not suspected to be so.

The *Attorney General* answered Mr. *Sheridan*, and concluded the debate; when the question was decided by a division: *The Attorney General.*

For the second reading 65

Against it 73

The bill in consequence was thrown out.

The House then went into a committee on the standard gold bill, and the Goldsmith's company being reconciled to the principle, it passed without opposition, only with this amendment, proposed by Lord Mahon, that the power of stamping the new standards shall be confined to London, instead of giving it, as the bill first proposed, to York and various other places.

May 18.

The House went into a committee on the Isle of Mann bill, on which a long debate ensued, and various witnesses were examined at the bar. This bill was in its principle and consequences of a private nature. It originated from the Duke of Athol, in consequence of some incroachments made by the crown on the manerial rights enjoyed by his Grace in that Isle. In the year 1765, the then Duke and Duchess of Athol were obliged, by Parliament, to give up to the Crown, for the consideration of 70,000*l.* the royalty of the isle, and also the import duties. This arbitrary purchase was made by Mr. Grenville, then first lord of the Treasury, for the purpose of preserving the revenues of the Crown against the smuggling, which was carried to so great a length on this island. The particular question now before the House, in this bill, was, with respect to the duties paid upon the her-

ring

ring-boats employed on this coast. They were claimed by the Crown under the powers of the act of the 5th of his present Majesty, as being a part of the import duties and the royalties of the island. This was denied by the Duke of Athol; and the present bill was introduced for the purpose of ascertaining this point. A very long debate ensued on this; and in the end the committee agreed to the claim, giving the herring fishery to the Athol family.

Adjourned to the 21st,

May 21.

Ld. North. Lord North brought in the bill for continuing the commission of accounts for another year, the title of which was read as follows:

"A bill to direct the payment into the Exchequer of the respective balances remaining in the hands of the several persons therein to be named, for the use and benefit of the public; and for indemnifying the said respective persons, and their representatives in respect of such payments, and against all future claims relating thereto, and for other purposes therein to be mentioned."

Mr. Baker. Mr. Baker rose and asked, whether the present bill authorised the paymaster of the forces and the treasurer of the navy, for the time being, to pay all fees that would become due on passing the accounts of those paymasters of the army and treasurers of the navy who were out of office?

The Speaker. The Speaker read a part of the breviate of the bill to Mr. Baker, in order to shew him that a clause in it expressly answered his question, by enacting that all fees should be paid by the paymaster of the army and treasurer of the navy in office.

Mr. Baker. Mr. Baker then said, he wished to know if the present bill would quiet and secure those, who, from being the descendants of persons who had been former paymasters of the army, and former treasurers of the navy, were liable, at a great distance of time, to be suddenly called upon to clear up accounts, with which they were but little acquainted. Such a measure would contribute greatly to the ease and happiness of many private families; in fact, it was his own case, and he wished to have an end put to the disagreeable circumstance of such a matter hanging over his head.

Ld. North. Lord North said, the present bill, being merely to continue the commission of accounts for another year, was confined to that object, with two exceptions only, viz, the clause

clause that directed the commissioners to examine the extraordinary of the army; and the clause, ordering all paymasters of the army, and treasurers of the navy, who were out of office, to pay in their balances, and enacting that all fees that such balances should be liable to should be defrayed by the public. With regard to the honourable gentleman's idea, that was a matter that had reference to one great object of the commission of accounts, but which the commissioners had not yet taken into their consideration, viz. to endeavour to find out and suggest a better and more speedy mode of keeping and passing the public accounts. The act directed the commissioners to make their ultimate consideration, their first object being to see what public money was in the hands of public accountants, in order that the same might be paid in for the immediate use of the public. He hoped, however, and trusted, that before the commissioners had concluded their business, they would proceed to the very point, to which the honourable gentleman had alluded.

The bill was read a first time, and ordered to be read a second.

Sir *Philip Jennings Clerke* called the attention of the House to the motion which he had intimated, of a tax to be laid upon placemen and pensioners. He considered this as a very proper and necessary measure to be adopted by the House in the present very critical and distressing situation of our affairs. It was a resource to which the nature of our danger and of our wants inclined us to look; for who were so proper to contribute to the maintenance of the war as those noblemen and gentlemen who had been the authors of it! It was a tax too, warranted by precedent. There was already a small duty upon places above a certain amount. He thought that the circumstance of military officers being reduced to half-pay in time of peace, suggested the propriety of reducing civil officers to half-pay in time of war. There were many places in which the salaries were moderate, and the trouble was considerable; he would not wish to affect them; but from the evidence of the Journals, he was warranted in saying, that there were several places inconvenient, useless, and expensive, which ought to be abolished altogether, much more taxed. This being the sense of the House, he could not believe that they would oppose a measure, to the propriety of which they had in fact agreed. He at the same time could not believe that this measure could be in the least offensive to those gentlemen who held places and pensions under

Sir *Philip
Jennings
Clerke*

der government. They had expressed, through the whole progress of the war, the utmost anxiety for the support of it, and the utmost zeal for the welfare of their country. They could not then but be pleased with the opportunity of proving the truth of their professions, and of standing forth with a small part of what they received in support of that war to which they had given birth. The motion which he had to propose, was a tax of five per cent. on all places and pensions above 200l. a year. He made it this sum, because he thought that this would nearly bring them to the same rate as military officers in time of peace, to half-pay. He said, he had not consulted the sentiments of gentlemen on this point. He had not even asked his friends to come down; nor did he know whether or not his motion would be seconded. He had left it totally to its own merits. He dared to say, that if it was thought unworthy their consideration it would not be seconded; and that if it appeared in the eyes of the friends of their country, of the lovers of oeconomy, and of management, as it did in his, a proposition that deserved to be considered and adopted, it would be honoured with their support. He concluded with moving,

“ That it be an instruction to the committee of ways and means, that they do consider of applying to the service of the public, during the continuance of the present war, a certain proportion of the offices held by persons who now are or may be members of either House of Parliament.”

Colonel
Hartley.

Colonel *Hartley* very ably and warmly seconded the motion, as a fair and just relief offered to the public in a moment of exertion, and suffering against new taxes and burthens. The subject was oppressed with taxation. He was obliged to contribute, from his hereditary fortune, or his daily industry, large and encreasing sums; while those who were favoured with the places and pensions of government were relieved from the taxation, though they were the authors of the necessity. He called to the recollection of the House the petitions of the people; and said, that they recommended strongly the present proposition to the House; for it went to a very considerable saving in the public expence.

The House divided on the motion. Ayes, 33; noes, 93.

The House then went into a committee of supply on the extraordinaries of the ordnance, and other services.

Sir Charles
Cocks.

Sir *Charles Cocks* rose, and stated to the House the sums that were required to answer the extraordinary services of the ordnance for the current year. The honourable baronet said, the House would consider the necessity that there was for extraordinary

traordinary exertions at a time when we were involved in so dreadful a war with so many enemies. The occasion was unprecedented, and the House would therefore see the necessity of extraordinary expence. Another great reason for the extraordinary expence incurred, and which was not foreseen was, that since the first estimate was laid upon the table another enemy has started up against Britain in the States-General, against whom also we had to provide, and the farther exertion made the expence the more. The sums which he was now to move for, were, for services of which the ordnance could not give an estimate at the time that they presented their former accounts to the House. Of some of the services they were not aware at the time; but, as the necessities arose, were obliged to provide for them as the operations of the war required. Beside the sums in the gross account which he had to move for, there was an article which could not be brought into the account, for the expence of encampments in Great Britain. The expence would be about 60, or 65,000*l*. This expence was necessary, and it was not foreseen by the Board; they could not therefore bring it into their accounts. But gentlemen would see and acknowledge the necessity of having encampments, that the coasts might not be left to the mercy of invading enemies. There was a charge of 64,53*l*. for the purchase of lands, and the expence of erecting batteries thereon, in different places of the coast. As he could not, without danger to the state, lay before the House the particular estimate of the expenditure of this sum, he must consider it as receiving so much upon account, for which the Board must be answerable to the House when they could, without apprehension or danger, state the particulars of the application. By stating to the House now the places where these forts and batteries had been erected, and were erecting, would be to point out to the enemies where they might attack us with advantage, and where with detriment. The next article was a small sum, incurred by the blowing up of part of the powder works. It was 5000*l*. These were all the additional expences for home service. The next article was for the expence of powder and stores sent to Gibraltar by the fleet. This amounted to 59,709*l*. He could only say, with respect to this charge, that the whole quantity of powder and stores ordered, had been duly sent by the Board, and they were supplied with ammunition of every kind to serve them for a reasonable time. He said, he observed gentlemen seemed surpris'd or displeas'd with his charge. It was evident, that in whatever manner the board of ordnance acted

they would be condemned; it would be either said of them that they gave too little or they gave too much. In addition to this there was a charge of 4250*l.* for the stores sent to Minorca by the same fleet. The next article was for erecting a very useful and necessary fort in Florida: the sum was 20,500*l.* This had been erected under the inspection of Colonel Campbell; and, from the report of the lieutenant-governor, who was lately returned home, having been a prisoner, he was enabled to say that it was a very important and strong defence. The enemy had contrived two expeditions against Florida, and had gone to an expence of blood and treasure more than it was worth. This had at least made a considerable diversion in our favour. There was a sum of 5895*l.* for expences incurred for Greece; 4500*l.* for Halifax, in Nova Scotia; 3364*l.* for Newfoundland. The importance of these places would be a sufficient justification for the expence. There had been erected in East Jersey, works which had amounted to 6875*l.* and for the stores and ammunition sent to the island the sum was 10,633*l.* The late attack upon that island had made these additional expences necessary. The last article in the charge was for Virginia: it amounted to 4,553*l.* and was for stores furnished at the requisition of the governor. The whole of the account, for which he had to move the committee, amounted to the sum of 252,104*l.* 3*s.* 10*d.* He stated again the necessity that there was for the board of ordnance to go to heavy expences in the present conflicts. The sums that they were obliged to apply to the navy part of the services, for which they had to provide, were very large, and much above what was voted by Parliament for that specific service. It generally amounted to twice the sum granted for that purpose in the 4*l.* per man, per month. The utility of the board of ordnance was apparent. It stood upon foundations which could not be shaken, and he sincerely wished that it were seriously and candidly inquired into by Parliament. He concluded with moving,

“That it is the opinion of this committee, that a sum, not exceeding 252,104*l.* 3*s.* 10*d.* be voted, in order to defray the expence of extraordinaries of the ordnance, not provided for by estimate.”

Mr. T.
Townshend.

Mr. T. *Townshend* animadverted with great humour on several parts of the honourable baronet's estimate, and particularly on the charge that was made for buildings which were not to be discovered to the House for fear that they should be discovered to the enemy. The honourable baronet had displayed wonderful powers of wit, genius, and humour, in the

the course of his speech, and had with equal gravity and ingenuity told the committee that France, Spain, Holland, and America, being at war with Great Britain had hostile intentions towards us; that our foes, being treacherous, were perfidious enemies; that great and expensive military operations cost a great deal of money; and he had concluded the whole of this able, ingenious, and most witty speech with an epigrammatic motion for the committee to vote no less a sum than 252,104*l.* 3*s.* 10*d.* for the extraordinaries of the ordnance. From this jocular method of treating the subject, Mr. Townshend grew more serious, and said, thus it was that Parliament was called on year after year to vote large estimates, without explanation, and without account; the only argument now thought necessary to be used was merely a string of general remarks, as applicable to one occasion as another, and which gave no satisfaction to gentlemen, nor proved in any degree whatever, either that the sums they were called upon to vote were to be applied to necessary services, or that any sort of care was taken of so large a branch of the public expenditure as that under the controul of the board of ordnance. The honourable baronet had come down for a large estimate some time since, now he came down for large extraordinaries, and that was not all; for the honourable gentleman had told the committee that they were to have another expence to provide for, that of the camp establishment of the summer, which the honourable gentleman had declared would amount to above 60,000*l.* Mr. Townshend said, this mode of doing business was mere trifling; why, he wished to know, had not that expence been charged in the present extraordinaries, and the whole that the public had to pay been brought before the House at once? It was evident from the honourable baronet's having mentioned the sum of 65,000*l.* that he could give a pretty good guess at what the amount would be; he wished therefore to know for what reason it was that the charge was not put into the present account? With regard to the charge for Gibraltar he found no fault with it on account of the sum; he only wished to know whether the quantity of powder which was ordered had been sent, as a rumour had gone abroad that they had been so exceedingly short as to be fearful of using what was in the magazine, and also that it was of a very inferior quality. But he could scarcely complain of the enormous amount of the extraordinaries, nor of the small share of satisfaction afforded Parliament by the honourable baronet, as to the necessity and the œconomy of the ordnance expenditure, when he considered that a building,

under the name of a Royal Academy, was going on at an immense cost to the public. While such unnecessary and idle works were prosecuting, to look for care and œconomy in the management of unavoidable subjects of expence, would be as absurd and ridiculous as it was from the fashion of the time to expect accounts and information, when the House were called on to vote away large sums of the public money.

*Sir Charles
Cocks.*

Sir Charles Cocks said in reply, that the board of ordnance had no authentic information before them on the subject of the encampments, and it would not be justifiable for them to come to that House with matters of mere presumption and probability. When the facts were in due form made known to them, then they should be warranted in stating them regularly to the House. He gave an account from an office paper of the quantity of powder that had been in the garrison of Gibraltar since the year 1777, agreeable to the several reports transmitted by the governor.

Mr. Burke.

Mr. Burke spoke for some time in a humourous stile on the present ordnance extraordinaries; he said the first estimate from that board he considered as a substantial dish, the roast beef of the table; the extraordinaries now to be voted were the second course, rather less substantial; and by and by a tolerably expensive desert of 65,000*l.* costs was to be brought before them. He had been once one of those ill-informed persons who believed that the office of ordnance was inconvenient and useless, and might be abolished without injury to the public service. He was now, however, of a contrary opinion, for they shewed such address and skill in preparing the defence of their country that they deserved the highest commendations. Inquire where this defence, these forts, and batteries are! Oh! no, by no means; that would give information to the enemy, they go on a more ingenious plan. They write up "spring-guns and steel traps are set here," but they do not point out the exact places, for then the enemy would not fall into them. It was impossible, he said, for any man to discover whereabouts our batteries and fortifications were placed; they were absolutely invisible, and yet so wonderfully well disposed, that whenever an enemy attempted to invade or march through our territories, he would be certain to find himself all of a sudden exposed to the fire of our cannon, or stopped in his progress by our intrenchments. This was a kind of enchanted island, wherein, like that at Drury lane, the ground was covered with trap-doors and pit-falls, and he was sorry to add, that, like those, when the curtain dropped, we should probably find the whole a kind

of

of farce. So he supposed these fortresses that were built God knew where, would spring up and catch the French, let them attempt to attack us wherever they chose. Thus our enchanted island would produce new defences at the will of that board of magicians, the board of ordnance; and though no Englishman was to know where they were, the French would find them to their cost whenever they approached. He wished that these new defences might not be found, as some of our old ones had been in times of danger, to be forts without guns; or else, forts mounted with plenty of guns, but without men enough to fight them. This invisible system of theirs has been very successful. But however their works were not all invincible. Their ramparts and their batteries, and this strength, are invisible in every place but in that House. There they erect their fortresses, and there they plant their artillery; and if their cannon succeed there, they are neither careful nor anxious for the defence of their country in any other part. If the place and the pension be saved the point is gained. The honourable gentleman commented with equal pleasantry on other parts of the account. He noticed the expenditure of 17,000*l.* in building barracks, and an hospital in Tobago, as a shameful waste of money; all this money being laid out merely to lodge two companies of soldiers. The account was a perfect jack-o'-lanthorn. A person did not know where to have it. It led him from place to place with the most ingenious artifice. It was intitled on the back "Estimates of the ordnance for the land service." And no sooner do you open it, and begin to read, but you are carried to sea. You wish to examine how, after the sum granted by Parliament for the ordinary expence of the sea service, which in all former periods had been deemed nearly sufficient, so large a sum should now be required for that branch of expence. Oh! you are immediately answered you must consider the sum expended in the land service. Inquire then how so much should be spent in the land service; and you are instantly launched again upon the wide ocean; and must consider the expence. Thus says the honourable gentleman, breaking out into an unintentional extempory,

Sach wondrous skill and sense go hand in hand,
The more we read, the less we understand.

—Finding he had accidentally made a distich, he assured the House it was an involuntary. "Suppose then," says the honourable gentleman, that we were to throw this curious account into rhyme. "*Si natura neget faciet indignatio versum.*"
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The honourable gentleman said, there were complaints abroad, that though it was boasted of as an excellence, our powder was made at home, yet the Spaniards' powder would reach us at Gibraltar, but ours would not reach them. This called for inquiry. He had often known the word home-brewed serve as an excuse for the most execrable beverage that could be set upon table; and thus, though the landlord thought it enough to say that his liquor was home-brewed, the guest suffered by it, and this might possibly be the case with our powder sent to Gibraltar. Another matter, Mr. Burke observed, deserved notice, and though it was but a rumour, yet that rumour was so generally credited, that he thought the affair ought to be ascertained, and if it turned out to be true, blame, and severe blame, should lie somewhere or other. What he alluded to was, the report that from some neglect the garrison of Gibraltar was left so destitute of powder that admiral Darby was obliged almost to strip his fleet, in order to leave 2000 barrels of powder in the magazine of the garrison. He called upon some one or other of the commissioners to inform the House what they knew in respect to this fact. It was exceedingly material, that neglect, so dangerous and blamable should be inquired into. It was said, that admiral Darby's fleet had sailed without a supply of powder to the garrison, and that upon the requisition of the governor, the fleet had remitted them the quantity which he had mentioned from their own stores. He took notice of the singular reason that was given for going to the expence of 20,000*l.* for erecting a fort in Florida. It was a very large sum, and the consolation that the House received was, that it had been the means of putting the enemy to the expence of more blood and treasure than it was worth. We seemed only mindful of the expence to which we put the enemy. If we put the enemy in any expedition to a little more expence than we incurred ourselves, it was held a sufficient reason for our waste and extravagance. He compared Pensacola to an impure of fashion, and said, the repeated charges for its works being repaired and strengthened, and arguments used in justification of the expence, on the ground, that notwithstanding it cost us a great deal, yet if the Spaniards took it, it would cost them a great deal more; reminded him of one of those ladies, who though extremely coarse and ill-favoured herself, yet having been talked into a reputation, by the polite world, was first kept by a man, till having ruined him, she gave her company to a second of greater fortune, which having wasted, she passed on to a third; and so on till she had ruined the whole set, each of
her

her keepers consoling himself with the idea that his successor, in possession of her charms, would unavoidably be reduced to beggary by her extravagance as well as himself. The honourable gentleman gave way to the liberal impulse of his mind; and as a lover of the arts, which give true grandeur to a country, said he would not agree with his honourable friend that the building of the Royal Academy was a matter to be complained of. For a great kingdom to adorn its metropolis with magnificent buildings was, he thought, at all times wise and justifiable, but that was not the only defence to be made for the erection of the Royal Academy. The congregating and bringing together of a great variety of offices, had from various motives of convenience and dispatch, been a matter much desired. The ruinous state of Somerset House, and the large scite of ground it stood on, added to the eligible situation of the spot, all combined to prove that the space occupied by a falling and deserted palace, would be very usefully filled with an assemblage of public offices. On that idea the old palace was purchased for the public, and on the ground, on which it had stood, an immense pile of building had been raised. No man, who looked at the present state of the works going on there would think that the money had been wasted, or lavishly employed; the structure, already erected, answering for every pound that had been voted, so satisfactorily, that a doubt could not remain in any spectator's mind as to the honesty and care of the application of the sums that Parliament had granted for the service. The buildings were upon an immense scale, and when completed would be of infinite utility. He saw, therefore, no reason to complain that a splendid front had been erected, and that, as you entered the portal of public office, you passed the seat of elegance and taste on the one hand, and the seat of learning and philosophy on the other. Such a building did honour to the present age, and it would render the metropolis of Great Britain famous throughout Europe. These were not among the deeds of the board of works that he should disapprove of, when he saw value for the public money; when there was so much national grandeur and magnificence, for so many guineas he would never complain. It was their invisible works to which he objected; works which were never discovered, nor discoverable, except in the estimates of expence, which they laid upon that table.

Sir *Charles Cocks*, in answer to this, said, that the board knew Sir *Charles* nothing of any such occurrence; the chief engineer had mentioned in his letters no want of powder; which, had there been a deficiency, he certainly would not have omitted to do.

Mr.

Mr. Byng. *Mr. Byng* said, this answer did not seem satisfactory; he therefore pressed the honourable Baronet for some more information on the subject.

Sir Charles and the other members of the board of ordnance, again answered these enquiries, by saying, that the board had no official information of the fact alluded to; that they had only heard it individually by report.

Sir P. J. Clarke. *Sir Philip Jennings Clarke* observing that there was a charge of a considerable sum for the account of ordnance, sent in compliance with the requisition of the governor of Virginia, desired to know who that officer was, whether it was one Arnold, or who else?

Sir Charles Cocks. *Sir Charles Cocks* replied, "Lord Dunmore, to be sure."

Sir P. J. Clarke. *Sir Philip Jennings Clarke* then asked if Lord Dunmore had been governor of Virginia all the time of the war; and stated a few remarks on the subject of Mobile and Pensacola.

Lord George Germaine. *Lord George Germaine* rose to answer the honourable Baronet, as it rather related to his department than to the board of ordnance he would reply to it; Lord Dunmore, his lordship informed the committee, had applied to him, and thinking the present a time, when if he returned to his government of Virginia, he might be of use to his country, had offered his services to go there. That tender had been accepted, and as the noble lord had made a requisition of such ordnance stores as he thought would be of use, or would be necessary in America, that requisition had been complied with, and therefore it stood charged in the accounts then under consideration. With regard to what gentlemen said relative to Pensacola; that place was certainly of very great importance to this country, as indeed the Spaniards thought, having fitted out no less than two expeditions with the hopes of taking it, but they had happily been repulsed each time; and when they should again attack it, such was the state of its strength, and such the safety arising from the new works lately erected there, that he flattered himself the Spaniards would not find it so easy a capture as they might imagine. His lordship said farther, that the commander in chief at Pensacola had lately met with a very able and ingenious engineer by accident, who had put the works into a state of thorough repair, and had built two new forts, one of them at the mouth of the river to guard the entrance, so that he had no great apprehension with regard to the safety of Pensacola. As he was upon his legs, his lordship said, he would, with the leave of the committee, say a word or two relative to the affair of the powder, reported to have been left by Admiral Darby at Gibraltar,

raltar, but what he should say was only a rumour, for the fact was not sufficiently ascertained to enable him to speak of it with certainty. His opinion was, that the report was founded, and that Admiral Darby finding there was rather less powder than other stores in the magazine at Gibraltar, had left what he could spare, keeping enough on board his fleet to bring him home, and to serve for any occasion that might call for powder in the course of his voyage. Should this turn out to be the case, he thought Admiral Darby, who was undoubtedly a very good officer, had acted in a very proper and becoming manner; what he had said, however, with regard to the fact was merely by conjecture.

Mr. Byng made a short reply, and said, what the noble Mr. Byng. lord had suggested relative to Pensacola, and relative to Gibraltar, was an evident proof of the scandalous neglect of office. For what had the noble lord told the committee? He had told them, that Pensacola had been neglected and left to chance, and at last the commander there was obliged to employ a strange engineer, any body that he could pick up, to repair the works, and put the place in a proper state of defence. With regard to Gibraltar, if it was true that Admiral Darby had been obliged to leave above 2000 barrels of powder there, ought not an inquiry to be instantly set on foot, in order to find out who it was that had been so scandalously neglectful? If the garrison was worth preserving, better care ought to have been taken of it, and its security not suffered to depend on the mere accident of Admiral Darby's being able to spare so much of the powder of the fleet. Mr. Byng said, that a story was circulated, and he really believed it was true, that the last time that Mr. Elliott wrote home for powder his requisition was for 15,000 barrels, and that instead of sending him that quantity, only 1500 were sent him; this, if true, also called for inquiry.

Lord George Germain said in reply, that he imagined the Lord George Germain. story just related by the honourable gentleman must be a mistake, because the magazine at Gibraltar would only contain 9000 barrels, and as the street was not a proper place to leave powder in, he could not suppose that the lieutenant governor would write for 6000 barrels more than the magazine would hold. With regard to what he had said respecting the Admiral's leaving 2000 barrels of powder at Gibraltar, if it were true, it by no means followed that the board of ordnance must necessarily have been to blame, because the duty of the Board was to send out so much powder and such

ordnance stores as the governor or chief in command in any garrison wrote for, and till they were written for it was not incumbent on them to send any, because, if the rule he had just stated was not observed, it would be impossible to know the quantity wanted in any garrison at a distance from home. In answer to what the honourable gentleman had said, respecting Pensacola, he begged leave to set him right. Government had not neglected the safety of that important place, but the works not being thought sufficiently strong, the engineer had been taken prisoner, and the governor had not waited for another engineer to be sent out by the board of ordnance, but had very prudently and wisely employed an engineer in one of the foreign troops, serving there; a man of competent skill to repair the works, and put the place into a proper state of defence; this surely was rather laudable in the officer than a fair object of censure.

Mr. Byng. Mr. Byng added a few more words on the same ground with his former argument, and said, a moment's reflection would shew the committee the egregious absurdity of the honourable Baronet's declaration, that the office had no information in regard to the camps the ensuing summer. The commander in chief of the army, whose information surely was to be depended upon, sat at the board of ordnance as lieutenant general of the ordnance; and yet it was said that the board had no information.

Mr. Kendrick. Mr. Kendrick was of opinion, from these two circumstances, that there could have been no want of powder in Gibraltar; first the depot had not been opened till January last, when the first issue of powder was made from it; nor was there any great quantity of the 1000 barrels then issued consumed; for the enemy did not begin to fire upon the town till the 12th of April, a little before the arrival of our fleet; the other circumstance was, that when Admiral Rodney carried supplies to the fortress, the governor purchased of the Spanish prize powder 758 barrels; the remainder was brought over to England, and sold here: it was fair from this to conclude that if all the stores and depots were not filled at that time, the governor would have bought up the whole of the Spanish powder.

Sir Charles Frederick. Sir Charles Frederick also spoke, and after some farther conversation, the motion was put, and carried without a division.

An immaterial debate then took place, on a motion of Sir Herbert Mackworth's, for granting 1200*l.* to Dr. Smith for attending

attending the gaols. A division took place. Ayes 66. Noes 26*.

A resolution was passed, that 36,000*l.* be granted for carrying on the building of Somerset-House.

The House next resolved itself into a committee (Mr. Bootle in the chair) when Sir Thomas Egerton rose, and after a short speech, in which he stated, that putting the British linens on the same footing with the Irish, would injure the cotton manufactory, said he should move for leave to bring in a bill to give the same bounties to cottons that was intended to be given to linens, during the continuance of the Irish statute, which granted bounties to the Irish linens; but he would first call a witness to shew the importance of the cotton manufacture, and to prove the great duties it paid to government.

Sir Harry Houghton supported Sir Thomas Egerton's arguments, and said, he would second his motion.

Lord North made a short speech, in which he said, that his wish was to avoid giving any bounties, which he imagined would be more agreeable to the House. He remarked, that from what the honourable Baronet, member for Lancashire, had stated, it was admitted cottons stood in no need of bounty, and that the application was merely with a view to put cottons on as good a footing as linens would be put on, if the bill, then in its progress through the House, should pass; so that in fact, by the Irish legislature's passing a law to give a bounty on the exportation of their own linens, this country had been saddled with two bounties, neither of which would have been applied for had not Ireland taken the lead. His lordship said farther, that under the circumstances of the case, he could not refuse the application, but he recommended it to the gentlemen to make the bill to continue in force for a limited time only, that was, till the Irish act was repealed.

Mr. Dempster solemnly declared, he did not in the least grudge Ireland her late emancipation in point of commerce and manufacture; on the contrary, he wished that country to derive every possible advantage from it, and hoped to see her soon grow rich and flourishing. If he thought that obtaining the bill, he had brought in, would give umbrage to Ireland, or break that union and regard, which he hoped ever

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* This was carried through the House with difficulty, but being opposed in the Upper House by the Lord Chancellor was thrown out.

to see subsist between the two countries, he would push it no farther, but the proposition was so reasonable that he could not imagine it would be attended with any such consequences.

Mr. Stanley. Mr. Stanley said a few words in support of Sir Thomas Egerton's proposition.

At length Mr. Peel was called to the bar and examined. He stated himself to be a considerable manufacturer, residing at Bury, near Manchester. He said, the House of which he was a member, employed six thousand hands in his business, that in the course of a year they print and stamp 60,000 yards of linen and cotton, 40,000 of which their own people manufacture. That the amount of the duty paid by them to government was 18,000*l.* a year, and the cotton used by them is imported from the British West-India islands, and the yarn brought over as soon as spun from Ireland. He stated also various other particulars relative to the cotton manufacture, and said that it must be materially affected by the proposed bounty on British linens, stamped and exported; and without an adequate duty must be injured and pressed down in the foreign markets.

Sir Thomas Egerton. Sir Thomas Egerton, as soon as the witness was withdrawn, said the testimony he had given would serve sufficiently to convince the committee of the importance of the subject, he should therefore take up no more of their time, but should move.

"That it is the opinion of this committee, that leave be given to bring in a bill to allow a bounty on all cottons exported for a time to be limited."

The motion was agreed to.

May 22.

Mr. Gilbert. Mr. Gilbert moved for a bill for the better relief and employment of the poor. He said it was a subject the most difficult, and at the same time the most interesting and important to the future welfare and prosperity of this country, that could be brought before Parliament; that he felt the weight of it, and was conscious how unequal he was to the task he had undertaken; but knowing that industry and application, with perseverance, would, in some degree, supply the want of abilities, and relying on the candor, good-will, and affection of the House, to an undertaking which so nearly concerned every individual member and his constituents, he would presume to state this matter in the light it appeared to him upon the most mature consideration.

That, before the 43*d* of Elizabeth, the poor were chiefly maintained by the religious houses, and the bounty and generosity of well-disposed persons.

That

That, by the 43d of Elizabeth, provisions were made for their maintenance and employment.

That it was a humane and politic law, penned with great accuracy and ability, but he apprehended, that if the compilers of it had foreseen what has since been grafted upon it, and has passed in consequence of it, that law would never have passed.

That the subsequent statutes, concerning settlements, removals, certificates, and bastard children, have perplexed, confounded, and defeated the best part of it.

That idleness and profligacy had supplanted labour and industry, which were the great objects of that act, and that men of vicious dispositions, rather than labour to maintain their wives and children, most unnaturally forsake them, and go into remote parts of the country, sometimes working, but more frequently pilfering and plundering for their own subsistence, leaving their families, as they term it, a legacy to the parish, considering them as intailed upon the landed property of the kingdom.

Thence, he said, arose the distresses to their poor families; the parish officers treat them with cruelty, raise disputes about their settlements, and drive them from place to place, by which they are exposed to many hardships and distresses.

That these burdens and distresses have been long felt, and have occasioned, within the last century, many efforts to be relieved from them, but hitherto without success.

That the last attempt, which was made, was sixteen years ago, by a bill to divide every county into convenient districts, and to establish houses of industry.

The bill in which he took a part with many other gentlemen, made its way through that House with general approbation, but was very unfortunately lost in the House of Lords. That many circumstances had since happened to set that object in a different view. The scarcity of money and the increase of taxes would render the expences of building and providing such houses as were then intended, insupportable, if, upon full consideration, that should be thought the best plan to be adopted. Under these circumstances he had turned his thoughts to attain the end sought for by that bill upon a more economical plan. And instead of erecting large and expensive buildings for the reception of all sorts and descriptions of poor people, he wished only to confine it to the aged, infirm, and impotent poor, who were unable by their labour to maintain themselves.

In order to keep as near the present law as may be, he wished to adopt the plan suggested by the Stat. 9. Geo. I. so far as it authorises several parishes and places to unite in the expence of building or hiring houses, and appointing a governor for the better maintaining and employing their poor. But not that part of it which directs that they shall contract for their maintenance and their labour, as that power, when it has been exercised, has been in many instances much abused.

That many parishes have departed from the practice of farming out their poor by contract, and have united for the purpose of maintaining and employing them at a common expence, under the direction of a governor, according to rules and agreements established among themselves, but having no legal authority to enforce them, they find much difficulty in proceeding, that he had prepared a bill on the plan of that of Stat. 9. Geo. I. and had introduced such provisions and regulations as he thought most likely to afford relief to the poor, and prevent all extravagant and unnecessary expences.

That to prevent the charge of new buildings, there would be opportunity, within the circle of a few parishes, which might think fit to unite, of taking some old mansion, or a few small houses or buildings, to be fitted up for the purpose at a moderate expence, if the objects are confined to the class he had mentioned.

The second class, he proposed was to consist of infant children, and deserved particular attention. He had, in this bill, made no provision for them within the houses, but had directed that they should be placed out with reputable people, and taken proper care of, under the inspection of the Visitor, till they should be of age to be put to service or apprenticeship, and then placed out in that manner according to the present laws. As overseers of the poor, who were frequently chosen by rotation, and were sometimes very ignorant and improper persons for the office, he had introduced a clause in the bill, authorising the inhabitants to choose a person of credit and ability, who should be called a Guardian, and allowed a salary. If such a one was elected, he was to have the care of the poor in every respect; but the churchwardens and overseers were to make the rates, collect the money, and pay it by order from the Guardian.

That the next class respected the idle and disorderly, who were the most expensive, and occasioned the greatest difficulty. Those persons were improper to be placed in a house with the others, a practice which, in his opinion, had been
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a fatal error in many of those establishments. The house of correction was the proper situation for them; and in the bill prepared they were to be sent thither, to be kept to hard labour.

The bill was solely confined to the relief and employment of the poor.

That the houses of correction, to which offenders were, by many acts of Parliament to be sent, and there confined to hard labour, by way of punishment and reformation, were in such a wretched state, that it was a mere mockery to send them thither, as there were, in few of them, accommodations or apartments suited to the purpose. As an instance of the disregard of the laws in that respect, he took notice of the returns made to the House of Commons some years since, upon an inquiry into the state of those houses; by which it appeared, that in forty-six English and Welch counties, which had made returns, there were 2731 persons committed to the houses of correction in one year for hard labour; and that all the money earned by their labour amounted only to 126*l*. That it would be in vain to establish any alteration or reformation respecting the poor without regulating the houses of correction. That it would be proper to have a bill passed for that purpose, and also for enforcing the vagrant laws of the 17th of George II. and that these were provisions of very great importance much wanted; he therefore hoped the noble Lord, and every other member of that House, would give his best support and assistance in it.

Sir George Yonge thought the statutes already in being were *Sir G. Yonge* quite sufficient: a sufficient number of persons have already the power in their hands; and if they neglected it, he feared that to add to the number would prove rather detrimental than otherwise. On the whole he hoped the honourable gentleman would withdraw his motion, and bring it on, if it must be maturely considered, next session.

Mr. Gilbert said, he had no desire that the bill should be *Mr. Gilbert* gone through this session, but he wished to have it printed, that the House might form their minds upon it previous to their next meeting.

Agreed that the bill should be brought in.

May 23.

General Smith moved, that the report of the committee *Gen. Smith* on the petition from the governor and council of Bengal should be read; which having been done, the general recapitulated

pitulated the many hardships that the Ximendars or feudatory princes of India, together with the natives of that country, suffered from having been subjected to the jurisdiction of an English tribunal, and to English laws: he represented the establishment of that tribunal, and the government by English laws, as completely inconsistent with the customs, manners, and religious principles of the Indians; and hence concluded, that it would be proper perhaps totally to abolish the supreme court in India. However, he did not mean at present to go so far; he intended only to introduce such regulations as should make the court of judicature less odious, less oppressive to the Indians: they were daily harrassed by its summonses; and the whole country were enemies to its jurisdiction. Nay, the judges had carried their authority so far, even over the company itself, as to authorise the sale of lands belonging to the company; thus taking on themselves to determine upon the right to the territorial acquisitions; a question upon which Parliament itself had never yet thought proper to give an opinion: the consequence of their ordering those lands to be sold was, that the governor and council had been obliged to have recourse to arms to prevent the sale.

The consequences of this contest were too well known to require description. The country was in disorder. All law and regulation was at an end, and there appeared a most dangerous and extensive scene of anarchy and confusion, which forcibly called for the immediate intervention of Parliament, by which peace and order might be restored as soon as possible. His object, for the present, was to frame a bill, and he moved for leave to bring one in to that effect, "to explain and amend so much of an act, passed in the 13th year of his present Majesty's reign, for the better regulation of the India Company, as related to the administration of justice in Bengal; and also to indemnify the governor and council of Bengal, for having resisted, by force of arms, the execution of an order of the supreme court of judicature in that kingdom."

Sir R. Sutton Sir Richard Sutton said, he did not mean to oppose the motion; but he could not resist the inclination that urged him to make some observations on what had fallen from the honourable gentleman. In the first place, the jurisdiction of the court never was extended, and it never was in the intention of the legislature or of the judges to extend it over the native Indians or feudatory princes of the country in general. The act of Parliament had clearly determined the limits of the

the court's jurisdiction, by confining it to the subjects of Great-Britain, and such Indians as lived with them, and were in their service; but the authority of the provincial courts was by no means taken away; it still existed uncontrouled by the English judges; and a clear proof of this was that no person whatsoever, except British subjects, and the Indians that lived with them, were obliged to commence any suit in the English court: it was indeed open to all; but no one was compelled, except as above excepted, to become a plaintiff in it; and the only thing the natives seemed to complain of was, that those against whom suits were instituted were forced to become defendants: nor did the judges make the laws of England the invariable rule of their conduct; they attended to the customs and usages of the country; and decided according to them when it was necessary.

Mr. *Dampster* was favourable to the bill moved for; but Mr. *Dampster* he could not hear the judges mentioned, without giving them the tribute of applause to which he thought they were justly intitled. It was observable, he said, that in all the petitions that had been presented against them, there was not even the shadow of a charge of corruption or pecculation to be found: in all parts of their judicial capacity their purity stood confessed from the silence of their accusers, who seemed not to want inclination to mention every head of accusation that could be brought. He wished not to establish the English laws over the Indians; but he wished that all the appeals that lay from the Indian courts to the governor and council might, in future, be determinable by the judges, because he was convinced, that making the laws of England and the customs of the country their guides, as occasion and the nature of the case might require; their decisions would be founded in justice, equity, and the strictest integrity.

The question was then put; and leave was given to bring in the bill.

Lord *North* then moved, that the order of the day, for the House to resolve itself into a committee of the whole House, to consider the affairs of India, might be read.

This motion being put and carried, his lordship moved that all the papers relative to the proceedings of the General court, in respect to the renewal of the charter, then on the table, be referred to the consideration of the committee, and that the Speaker leave the chair.

Mr. Ord.

Mr. Ord. having taken his seat at the table,

Ld. North.

Lord North said, it had been much his wish that an agreement for the renewal of the company's charter should have been amicably made, and that voluntary propositions should have come from themselves, offering terms for the benefit of the exclusive trade, and of the territorial acquisitions. Had this been the case, Parliament would have been able to adjust the bargain without much trouble.

He was sorry to say the business came before the committee in a very different shape, no petitions having been sent from the company, nor any agreement made; it was true a negotiation had taken place between him and the chairman, and deputy-chairman; but the propositions were not such as the public might expect or the Parliament accede to. As they were on the table, he would not trouble the House with a detail of them at large. As an individual he was ready to agree to some of them; to others he could not, and he would explain to the committee his reasons. The chairman, and deputy chairman in their conversations with him minuted down his sentiments, in order to state them to the general court, and it appeared that they had come to certain propositions, which was to go to a ballot next day; but as he saw among them one which he could not accede to, and which in his opinion ought not to be admitted by the legislature, he thought it right, previous to the ballot's being held, to submit his reasons to the committee against that proposition, and to move a resolution upon it, which (if the committee agree with him in its propriety) would at once convince the company, what the public opinion was upon a point in which their interest was very deeply involved. The first matter adjusted by him on the part of the public was, to agree to grant a renewal of the company's charter, without paying any fine; he agreed to this, because, under the present circumstances of the company, he thought the public ought to renew it, without expecting a great deal of money as the purchase. The proposition which the company meant among others to ballot for, and of which he wholly disapproved, was the following:

“That all the East-India Company's present charter-rights and privileges shall be preserved to them entire, so far as is consistent with the rights of the Crown; that the exclusive trade be prolonged for the term of ten years, to be reckoned from the 1st day of March, 1781; besides the three years notice to be given according to the act of the 17th of George II. and that in order to the utmost of their power to alleviate

alleviate (so far as the company's ability would reach) the public burthen, the directors are empowered to pay into his Majesty's Exchequer any sum not exceeding 600,000*l.* on condition of receiving in return, bills on his Majesty's Exchequer, which in case of any unexpected exigencies on the part of the company, the commissioners of the customs and excise should receive as cash, for payment of the company's accruing duties, such bills not to bear interest, or to be brought to market like other bills."

This proposition was liable to various objections, but his principal one was this; it virtually put an end to the claim of the public to the company's territorial possessions, by assuming that no money was due to the public from the company, and by offering to lend the public upon Exchequer bills that very 600,000*l.* which he had always been of opinion the public had an indisputable right to, on the authority of two resolutions come to by the House of Commons on the 23d of April, 1773. In these resolutions it was expressly declared to be the sense of the House, that the public had a right to three-fourths of the surplus of the profits of the Company, after the Company had divided 8 per cent. on their capital stock. With regard to the territorial acquisitions, his lordship said that he had not the smallest doubt, and indeed men more conversant with law than he, were clearly of opinion, that the public had a right to all territorial acquisitions made by private subjects; how far it might be proper to let the revenue of these territorial acquisitions remain in the receipt of the company was quite another question. He undoubtedly thought it would be wise to leave the revenue in their hands as long as they held the exclusive trade, because the one was connected and blended with the other, but as to foregoing the claim of the public that he never would. In wording the proposition which he had just read, he observed the company used the terms "As far as is consistent with the rights of the Crown," and had left out the words "and legislature." To this he had no manner of objection, because undoubtedly the rights of the Crown implied the rights of the people, the Crown in that sense meaning merely the executive branch of government. That part of the proposition for which the company offered to lend the public 600,000*l.* was a tender which it was impossible to accept for various reasons. Although the company, as individuals, had offered to lend money upon these conditions the offer could not be accepted; for besides that the offer to lend the money, implied a denial of the right of the public to claim it, the terms of it

were such as put it out of the power of the public, though their exigencies were never so great, and had they no claim whatever upon the company to receive the loan. The condition was, that the company should on payment of 600,000*l.* into the Exchequer, receive in return bills on the Exchequer, which the commissioners of the excise and customs were to receive as cash whenever the company was distressed. This would be putting his Majesty's Exchequer into the power of the East-India company. Exchequer bills never were of the nature stated to be granted to the company in this proposition, but always were drawn for a time certain, generally a year, under the idea that before they came due, Parliament would sit and provide for the payment against the day. If such bills as the company requested in their proposition were issued, viz. bills payable on demand, and which might be sent in when the company thought proper, it would be in their power to embarrass the public treasury greatly, for although in the consideration of so large an expenditure as (unfortunately for this country) our yearly expences presently amounted to, 600,000*l.* was but a small sum; yet as the company would have it in their power to pay them in when they chose, it might so happen that they might all be paid at the Custom-house and Excise-office in one week, and by Saturday they would naturally find their way to the Exchequer. The consequence of this would be, that 600,000*l.* coming upon the Exchequer all at once, it might happen just at the time when money was wanted to pay his Majesty's fleets and armies, and thus the public service would be stopped as well as the public creditor injured. For this reason his lordship declared he never would accede to the proposition, even had it come forward under different circumstances, and had the public had no claim upon the company. A claim they undoubtedly had, and in order to assist it, he meant to move it as a resolution. But gentlemen said, "Why assert the claim now, the company's affairs abroad are in great uncertainty, great confusion, their cash is low, their debts large, many bills will be drawn upon them, do not do it in the hour of their distress!" In answer to this, he must once for all declare, that he thought the interest of the India company and the interest of the public one and the same thing. The welfare and prosperity of the company and the preservation of the territorial acquisitions in India were objects of great national concern, whenever the company should be distressed, and should stand in need of assistance, the public must give it. Should the company's cash fail them, and they should want

want money for real public uses, (and when he said this, he begged to be understood as alluding to a public necessity only,) in that case the House ought to vote money equal to the necessity of the company, let that necessity be what it might. He should hold it as his duty, so long as the resources of this country were such as would by any means afford it, whenever the India company were really in distress, to move that it be immediately assisted, let the sum wanted be one hundred thousand pounds, five hundred thousand, a million, or whatever it would. But feeling as he did with regard to the mutual interest of the company and the public, he was nevertheless convinced that this was the proper time to make an agreement with the company for the renewal of their charter, and to establish the claim of the public for the 600,000*l.* by insisting on the payment of that sum, and that for these reasons: the claim had been suspended for two years in consequence of the short bills, he was afraid that by keeping it back much longer it might be successfully disputed. The money had been now due to the public ever since the year 1778, and it was very clear which way they inclined. The common interest of the public and the company rendered it highly necessary that the company should hold over no longer by yearly bills, but that their affairs should be put upon a stable footing by an agreement for a length of time. Such an agreement was much wanted, and would have a great and good effect on their affairs in India, in the prosperity of which, as he had before stated, the public were materially interested, and therefore, whether the company were willing or not, it behoved the public to take care of themselves; and since two years had elapsed without the company's petitioning that House for a renewal of their charter, it became the duty of government to interfere on behalf of the public, and to have the matter settled. The claim of 600,000*l.* was a fair one, and the public had a right to the money. Besides, the very arguments advanced against it told, in his mind the other way; for they were, that the money ought to lay in the company's treasury for the purpose of answering the bills that were expected from India, and in order that they might be able to divide 8 per cent. when their profits might not otherwise enable them to do so: neither of these matters, his lordship said, were fair objects for the application of the money, for it was that overflow of the bills from India that had nearly ruined the company in 1773, when the legislature against the will of the company, and notwithstanding the petition sent to that House against it, passed a bill, authorising

raising a loan from the public to the company, and putting the company's affairs under certain regulations and restrictions, in consequence of which their credit had been restored, and their affairs had taken a most prosperous and flourishing turn. With regard to future dividends they were totally out of the question; the public's claim having arisen in consequence of the dividends of 8 per cent. already made, every year since the company's bond-debt had been reduced to one million five hundred thousand pounds. Nor was his lordship willing to admit that either of these were the fit objects for that House ever to take up as grounds to proceed upon, and vote assistance to the company. After arguing the claim of the public very strenuously on a great variety of grounds, his lordship moved, that the two resolutions come to by the House of Commons on the 23d of April, 1773, might be read, as likewise the titles of the act of 1774, and of the two yearly acts of 1779 and 1780; which having been done, he moved a resolution to the following purport,

"That it is the opinion of this committee, that three-fourths of the surplus of the net profits of the East-India company, ever since the company's bond-debt was reduced to one million five hundred thousand pounds, and the company's dividends have been 8 *per centum per annum*, belong to the public, and that six hundred thousand pounds in lieu thereof, and in discharge of all claims on the part of the public, be paid into his Majesty's Exchequer by installments, in such manner, and at such times, as shall be agreed on."

Mr. Hussey. Mr. Hussey rose to oppose this motion. He reprobated the idea of taking 600,000*l.* of the company under its present circumstances, and assigned a variety of reasons for preferring the loan tendered by the company. He produced and read to the committee, a motion that he had made at the India house, in the last court, which was somewhat similar to that objected to by the noble lord, but which the court had not thought it right to adopt. He afterwards produced a paper full of arithmetical calculations which he read to the House, and stated to be correct computations of the amount of the company's exports and imports, the expences of their trade at home, and the balance of profit of each year, for many years past, distinguishing the commercial from the territorial expences and incomes. From these computations and statements, Mr. Hussey shewed that the commercial and territorial revenues of the East-India company had, upon an average of sixteen years successively, constituted together a sum equivalent to a proportion of sixteen per cent. That nine
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per cent. of this had arisen from the commercial profits accruing to the company, and therefore that there had not been 8 per cent. divided upon that part of the profits, to which the public had any claim or pretension. Mr. Hufsey contended farther, that the estimate of the expences to be deducted from the commercial profits, ought to be formed from what they had been before the acquisition of territory, and not afterwards; which would make a difference in the fund of the company of upwards of 5,000,000*l.* within sixteen years. They ought not to be taken at any period since that time; because the accession of the territorial possessions brought with them additional expences, which not being necessary to the trade alone ought to be deducted from the profits. He entirely reprobated the opinion which had been expressed by Lord North, that the company intended to dispute the right of the public to the 600,000*l.* in question. With regard to what the noble lord had said, respecting the Exchequer bills, it was all *ad captandum*; the noble lord well knew that the directors of the East-India company would never suffer the Exchequer bills to be paid in without giving government timely notice. As to the right of the public, perhaps it was better not to urge it at present, as it had been thought better not to urge it hitherto. Mr. Hufsey said, his opinion was well known to be this: that the company should always make it a rule to give as ample and full relief to the public burthens as their situation would allow; and if they did this, he saw no reason why the noble lord should expect more. He ought not, by the strong hand of power, force from them what they did not themselves think they could, under their present circumstances, spare or afford, and what at the same time they might think they had no right to pay. He also said, that the public had received a very large share of the company's profits, equal to 4*l.* 10*s.* *per centum* on their capital, while the stock-holders scarcely had received 4*s.* 6*d.* *per centum* upon it.

The Secretary at War supported the motion, and said, he The Secretary at War was convinced of the propriety of the committee coming to such a resolution, previous to the general court proceeding to ballot for a proposition, which on the very face of it not only denied the claim of the public, but in the very words of it tendered a loan of the money upon terms which, as the noble lord had clearly and very properly explained to the committee, could not be acceded. That offer undoubtedly implied an opinion on the part of the company that the money was their own, and did not belong of right to the public; if

if therefore the public agreed to that proposition, they adopted the opinion of the company and forewent their claim altogether, since they would be shut out for the future from ever making it. Mr. Secretary turned to the wording of the act of 1774, and of the yearly bill which expressly stated, that the public only suspended their claims as to the territorial acquisitions, and the revenue resulting therefrom for a time, thinking it wiser to let the company hold them for commercial purposes, meaning to participate in the profits of the various objects of trade, &c. carried on by the company. But the claim now made by the public was fair. It was founded indeed only upon a resolution of the House, and not an act of Parliament; but the company had subscribed to the validity of that resolution, and by making a dividend of 8 per cent. had acknowledged the claim of the public.

Mr. Dempster.

Mr. Dempster warned the committee how they proceeded in a matter that went to affect the chartered rights of the company, and reminded them of the consequence of violating the charter of Massachusetts-Bay and various others. We had certainly suffered enough by the violation of charters. It had brought us into our present difficulties, and had armed Europe against us. He said, that to tear from the company by force what was not stipulated for in any act of Parliament, would be a breach of public faith that would disgrace the nation, and damp the spirit of enterprize and adventure, which had been productive of such happy effects. It was to that spirit that we owed the territorial acquisitions of the India company, and all the immense benefits that had accrued to the revenue of this country in consequence thereof. He reprobated the positions laid down by Lord North in regard to the Exchequer bills, and said, the directors never would be guilty of such an act of injustice as to suffer those bills to come upon the public unawares and of a sudden. The matter might be settled upon better terms between the noble lord in the blue ribbon and the court of directors. They meant the utmost fairness. He was ready to say that they were as much attached to the service of their country as any trading company in the kingdom, and they had offered terms to which in his mind the public ought to agree. But they could not acquiesce in a claim which they considered as a violation of their charter. And for what purpose was this violation made? what end was it to gain? Nothing, a shadow; for the difference between the minister and the company was of the most trifling nature in the world. He was willing to lend them money if they were distressed; they were willing

to pay him his demands, if he would subject himself to an obligation of carrying this promise into execution, namely, of lending them money, should their circumstances require it; and all they disagreed about was as to the mode by which the subsequent loan was to be granted. He intreated the noble lord then not to quarrel with the company on a point in which they were so nearly agreed. This was not a moment in which it was proper for the company and the public to be at variance even for a day, and it surely was wiser in the minister to depart a little from a rigid claim, than by urging it, inflame the minds of so large a body of his Majesty's subjects. The question of the right to the territorial acquisitions ought certainly to be suspended by earnest, as it had been so before. In some future moment, when their investigation of the subject was not interrupted by external attacks, the public and the company might meet on fair, sober, and friendly grounds, and discuss the matter with moderation and candour. But surely every gentleman must be unwilling to see it made a matter of dispute during the raging of a most dangerous war, when unanimity was so necessary to exertion, and when, instead of variance, we had need of all the spirit and of all the strength which the nation possessed. There was one thing however which, if the question was to be agitated, he hoped would be considered; that the company had fought to acquire those territories under the faith of their charters, and that they had incurred great expence in the conquests.

Sir Grey Cooper said, that much of the last gentleman's arguments, as well as those of Mr. Hulsev, were irrelative to the motion, and did not go to the question now in issue, but to the right of the public to the territorial acquisitions in India, a matter that was not then under the consideration of the committee; whenever that right was made the subject of discussion, what the honourable gentleman who spoke last had said, might be very proper to be considered and debated. At present, the motion had no reference to it; the motion was to establish a claim to three-fourths of the surplus of the company's profits after they had reduced their bond-debt to one million five hundred thousand pounds, and had made yearly dividends of 8 per cent. With regard to the right of the Crown, as the executive branch of the government, to the territorial acquisitions in India, that had not been foregone on any occasion, but only the exercise of it had been suspended, from an idea, that it would be better both for the public and the company to let the latter hold those acquisitions

tions for the purposes of trade and commerce, during the time of their agreements for a renewal of their charter. That it was wise and proper to suspend that claim still longer, and to make an agreement with the company for a renewal of their charter at that time, he was most clearly of opinion, and in his mind, the arguments relative to the present situation of the company's affairs, and of their being distressed, and likely to be still more so, did not weigh at all the scale of objection. The public were bound to support the company, and must for their own sakes assist it whenever it was in real distress, therefore neither of the positions which gentlemen had laid so much stress upon, in his idea altered or lessened the propriety, not to say the necessity, of the public's bringing the company to some agreement; if they did not, it was clear the company would not offer any terms, but would be glad, he did not doubt, to continue holding over year after year, without any new conditions being imposed on them. Sir Grey said, the two yearly bills had been carefully watched, word by word, in the passing of them, by the company's counsel, then a member of that House, had taken especial care that the right to the territorial acquisitions should not be assumed in either bill, but that the question should be merely suspended, and the agitation of it foregone in each. To accede therefore now to the proposition of the company, to which the noble lord had objected, would be to act the very contrary part to what had been acted by the company with regard to the yearly bills, and to give up the right on the part of the public altogether. Sir Grey also said a word or two in reply to Mr. Dampier's argument about the issuing of the Exchequer bills being left to be settled between Lord North and the India directors, declaring that it was the duty of the legislature not to leave so important a matter to be settled by private individuals, be they whom they would.

General
Smith.

General *Smith* said, the present was the most important question that had ever been agitated within those walls; it was perfectly new to the committee, and it ought to be discussed with the most serious attention. He stated the different ideas of terms, for a renewal of the company's charter, that had at different times been entertained. He had himself been employed at one time to adjust propositions with the noble lord in the blue ribbon; and he recollected, that one of the conditions then talked of was, "first, the payment, and afterwards the loan of a million of money at two per cent. interest. That had gone off, and now the noble lord, seeing the state of the company's affairs, was willing to renew the com-

company's charter without insisting on any fine. He wished the same reasons, that had operated in the noble lord's mind to forego a fine had also prevailed on him to forego a claim, which had no foundation in justice, and the insisting upon which would materially injure the company. He did assure the noble lord the state of the company's affairs was much altered since the year 1778; they could better have afforded to have given a million of money then for the renewal of their charter than they could afford to give 600,000l. now. Let the noble lord consider how much all East-India property had suffered of late. He could speak of it with great truth, for his stock had suffered almost, he might say, one hundred per cent. upon the whole of it. The General spoke of the wishes of the company to keep on good terms with government, and said they had taken infinite pains to hit upon such propositions as they imagined would not be objected to. He begged the noble lord to point out what alterations he wished for, and they would endeavour to shape them accordingly. If government took the 600,000l. the next year the company must borrow money to go on with. He conjured the noble lord therefore to withdraw his motion, and to make an amicable agreement with the company, whose profits in point of commerce, and whose profits in point of territorial revenue, he declared it was impossible to ascertain separately and distinctly, the one was so materially blended and connected with the other. At the same time he declared that in his mind the claim was violent and ill-founded. A resolution of that House which had never been followed up, on which no act had passed, which alone could give sanction to the authority claimed by the noble lord, was and ought to be of no validity.

Mr. Burke made a very animated and eloquent speech against the motion. He observed, that all that had been said in support of the motion was merely the same ground of argument taken up by the noble lord at first, with some little amplification. He should therefore, in replying to the noble lord, reply to what other gentlemen had said. The chief of the noble lord's argument against the proposition of the company was this: he would not accede to the proposition, because the company did not admit that the public had a claim upon them; so that the argument cut double, like a two-edged sword; for it must either be solved thus, "If you admit the claim of the public, I call upon you in behalf of your creditors to pay their just dues;" or thus, "If you

do not admit the claim, why then I will take that by force which you deny that I ought to receive as a right." Most admirable reasoning ! The noble lord will neither beg, borrow, nor receive, as a due ; but he will have it nevertheless, and seize upon that by rapine and plunder to which he has no title, and cannot justify his receiving in any way. If the company should say to the minister in direct terms, " Sir, you have no right to this 600,000*l.* you attempt to exact from us ;" then to be sure his lordship would come down to Parliament, and pronounce them the most impudent violators of old agreements that ever were heard of ; but if they do not express themselves in this manner, if they say nothing upon the subject, as in the actual instance at present, why then how does the minister conduct himself ? he says, notwithstanding these men are silent, I very well understand their intention, and am sure, notwithstanding their taciturnity, they mean to contend that the public have no right to the sum claimed ; and therefore, being certain that this is the case, I will make sure of the money and seize it by main force. So that whether the poor proprietors speak or not, it makes no matter, the effect is the same, with this little difference only, that in the one instance they might deserve the treatment they received ; in the other it was replete with unprovoked cruelty and injustice. He said, it was a continuation of that mode of reasoning that had prevailed in the last Parliament, and had rendered it odious and infamous. The minister had talked in the same stile again and again, and the consequence was, our present miserable and degraded situation. It was his old parliamentary language, and had ruined this country. The Secretary at War's doctrine was, he said, a counter part of the same reasoning. He termed the regulations, established by the act of 1774, a design to obtain money under a pretence of establishing a political reform ; and now, he said, the noble lord wanted to take away their trade, as he had formerly taken away their patronage and their purse. *Eundem negotiatorem, eundem dominum !* He had better carry all the business of Leadenhall-street at once, and transact it at the board of treasury. His reasoning, to justify the violence and the force he was practising, he pronounced shamefully pitiful. The reasoning of the lion in the fable was less censurable—" This I seize, says the lion, because I have got teeth ; this, because I wear a mane on my neck ; this, because I have claws ; and this last morsel, not because I have either truth, reason, or justice to support me

me and justify my taking it, but because I am a lion." With regard to what Lord North had said about the possibility, if the propositions were acceded to, of 600,000*l.* worth of bills coming upon the Exchequer, just when the King's fleets and armies were to be paid, it was, he said neither more nor less than an explicit confession that the noble Lord had squandered every shilling of the immense supplies that had been voted for the service of the year, and that he was obliged to practice extortion, and force 600,000*l.* from the East-India company, in order to enable himself to pay the King's fleets and armies. The House had expressed great satisfaction at a part of Lord North's speech: the honourable gentleman said it was the shouts of the House, and of majorities at the appeals to the passions artfully made by the noble lord, that had ever been constant fore-runners of some great national evil. No one step of the minister that led to disgrace, defeat, and ruin, but had been preceded by shouts and applause within those walls. In reply to the praise bestowed on the secret committees, that sat on India affairs in 1772, he said, their reports were the cursed Pandora's box, whence sprung out that dreadful calamity, the American war. To those reports were the worst of evils ascribeable that had befallen this country for many, many years! He said the present motion was the daring effort of a minister determined on rapine and plunder, without regard to truth, honour, or justice: a violent and shameless attempt to rob the company, in order to pursue the purposes of the most lavish waste and the most profligate corruption. The noble lord might truly he said to be *alieni appetens, sui profusus*. He conjured the committee not to join the noble lord and his adherents, saying, "Let us not deduce European supplies from Asiatic rapacity. Let us shew ourselves awake to the calls of reason and alive to the impulse of equity!" He concluded with saying, that he was sure, notwithstanding his endeavours, and those of every friend to justice, to prevent the motion from being agreed to, that such would be its fate, yet in discharge of his duty he would move an amendment. He therefore moved, that the following words be added to the motion: "No grounds having been laid before the committee, on which the right of the public to a participation of the territorial revenue of the company are founded; or, if they have such right, no grounds to shew that they have a right to this particular proportion of the profits."

Lord Advocate.
1781.

The *Lord Advocate* rose in answer to Mr. Burke; he observed, that it was a matter of some difficulty to determine what line of argument to pursue in this question; for gentlemen on the other side had differed exceedingly in the positions upon which they reasoned: some admitting that the property in question was the right of the public, while others strenuously maintained the contrary; it was necessary, therefore, to meet the former on the ground of expediency, and the latter on that of justice, he should, however, attempt, as concisely as possible, an answer to both, and give his warm negative to the amendment, which, in his conception, contained averments contrary to facts; the arguments had been contradictory and irreconcilable, so that he knew not well how to direct his reply. The honourable gentleman who spoke last had furnished him with one very good support, in asserting the right of the public to a participation of the company's territorial revenues, for he had informed the House that the last Parliament warmly maintained the same opinion, that they had echoed it repeatedly with shouts of applause. From this it would at least appear that another honourable gentleman was mistaken, when he asserted that the claim was a new one. If he was to determine which of the two gentlemen were in the right, he should be inclined to take part with the honourable gentleman who spoke last, and to suppose his noble friend in the blue ribbon had advanced no new doctrines, and that he had held no new language, but had talked in an old parliamentary manner, for what had the noble lord stood up in defence of? the right of the public to a claim agitated before in Parliament, originating in two resolutions in the House of Commons, recognised in full form upon the Journals, and considered by every man, conversant in the interest, connection, and analogy of the public, with the East India company, as a claim perfectly fair, perfectly just, and as a claim which the public had a right to insist on, whenever the public thought proper so to do. The amendment supposed that this claim of participation had never been established; but in contradiction of that he need only refer to the several agreements formerly made between the company and Parliament, by every one of which it would appear that this right of the public had been claimed on the one side, and admitted on the other; for the company therein agreed to pay at one time 400,000*l.* at another a certain proportion of the net profits, in doing which they plainly recognised the justice of the demand made on the part of the public. By the last of these agreements they expressly contracted to allow three-fourths

fourths of the net profits, after a dividend of eight per cent. and it was expressly upon this supposition that the present claim for 600,000*l.* was built; surely then the House could never consent to declare that the point of right was not established. His lordship next adverted to Mr. Hussey's calculations; that gentleman had endeavoured to prove that the commercial dividend should be nine per cent. by asserting that every additional expence, incurred by the company for the support of their Asiatic interests of late years, should be deducted from the produce of the territorial revenue, though he was fully convinced that the honourable gentleman on no occasion, neither in that House nor without it, meant to deceive, yet he must declare that a fallacy run through the whole of his arguments grounded upon those calculations, which destroyed their effect, and rendered them totally improper to be relied on for a moment. The honourable gentleman had grounded every one of those calculations on a proposition which he never would admit, and which, he was satisfied, was not to be supported; viz. that it was possible so to separate the commercial and the territorial expences of the company as to be able to ascertain the quantum of each, with a sufficient degree of exactness to be able to take any such calculations as grounds of argument and reasoning that could be relied on, or could warrant any deductions whatever. Besides it could not be supposed that during the present posture of affairs, when the kingdom was engaged in wars both in Asia and Europe, the expence even of defending the factories and commercial settlements of the company could be so moderate as in times of profound peace.

With respect to the plea of inability that had been urged, he perfectly agreed with the noble lord who moved this resolution, that every assistance should be given by the public to the company; for their interests were closely interwoven together, and perhaps, in the present state of affairs, this kingdom had not a better resource than in her East-India settlements; but a very proper distinction had been drawn here between real necessities and those that were merely imaginary; the company had been almost ruined at a former period by the improper drawing of bills from India; that was merely a matter of private convenience, for the remittance of those enormous fortunes that have been amassed in the country; and were intelligence to go by the next fleet, that 600,000*l.* was left by Parliament in the company's coffers to answer such bills as might come over, it would draw an inundation of bills, and the Asiatic plunderers would no doubt seize

seize the occasion with avidity; but this was no public convenience; on the contrary, it was more desirable that obstacles should be thrown in the way of remitting their fortunes, which perhaps had better never been acquired, or at any rate never brought from that country.

The honourable gentleman who spoke last but one had told the committee, and he believed with great truth, that the commercial and territorial matters of expence and profit were so materially blended and connected that it was impossible for the company themselves, to separate them with sufficient clearness and sufficient accuracy to define which was which, or to give even a tolerable guess at the real state and amount of each. All arguments therefore built on such a basis must necessarily fall to the ground. He next adverted to Mr. Burke's argument, and said, notwithstanding the rapine, plunder, injustice, and other hard words, which the honourable gentleman had applied to the present motion, and the noble mover of it, he trusted the committee would judge for themselves, would consider coolly and candidly of the noble lord's motives, and would act in such a manner as they thought his conduct deserved. With regard to the right of the public to the territorial acquisitions he had, he said, considered the subject very deeply, he had often thought upon it with great seriousness, and he had not a doubt as to the right; but, if he had entertained the smallest doubt, it would have been entirely removed by the very great authorities which had, in the most express terms, delivered decided opinions in favour of the public; the authorities to which he alluded were those of the present Lord Camden and the late Mr. Yorke; men as able and as capable of advising as any men that had ever lived in any period! We have not time to follow his lordship farther in his speech; which was as usual extremely able, manly, and convincing.

Mr. Gregory. Mr. Gregory followed, and differed from several of his friends. He thought the noble lord right in coming to an immediate agreement with the company, and wished he had taken that method and settled the bargain two years ago. He said the company deserved great praise for having extended their territorial acquisitions. The public reaped very considerable benefits in consequence of it; but the claim now made by the noble lord was in his opinion perfectly unsupported, and it was altogether new. The company had heard nothing of it; and now he feared that the claims so made and agitated would be particularly severe on the company. They would be out of cash in about three months; in October they

they would be in cash again. He feared, that taking 600,000l. might be of ill consequence to the company's interests if taken now.

Mr. *Dempster* made a reply to the lord-advocate, and began it with answering something which the learned lord had said, relative to the company's being forced by their charter to have factories in India, and to defend those factories. He professed his concurrence in the learned lord's opinion, as to the question of right, but denied the possibility of enforcing the present claim, without detriment to the company; and to shew that this must be the consequence, he went pretty largely into the present posture of their affairs. He observed, that his lordship was mistaken in stating the last agreement between the company and the public; for in the act of Parliament there was no such clause as his lordship had mentioned; the participation of net profits alluded to was only contained in some resolutions of a committee, which were never reduced into a law, nor brought into any stage of parliamentary discussion, in which they could be opposed by petition, consequently it was unfair to say the company had acquiesced in, or recognised them. The learned lord had foreseen ill consequences from the drawing of bills by Asiatic plunderers, if there were any funds in Leadenhall-street to answer them; but the evil would be still greater if the noble lord in the blue ribbon should carry his measures into execution, for they would then be left to draw on the treasury; now the 600,000l. was a mere trifle among these gentlemen, three or four of them could draw it in a morning, but the treasury funds were deeper, and consequently the bills might be more numerous.

He said the resignation of the Manillas to the company, when captured last war by Sir William Draper, and the country round Madras (the revenue of which amounted to some hundred thousand pounds) when conquered by the king's troops under the command of Sir Eyre Coote, in concert with the troops of the company, were proofs of a general opinion having prevailed, that the Crown did not think that the company were entitled to the territorial acquisition and their revenues as chartered rights. He advised the trying the question in a court of law. He said the company and Parliament were both parties in the cause, and therefore it was most unconstitutional in that House to undertake to decide which had the right. The courts of law were all open,

and could determine the matter in as little time as it would cost Parliament to adjust the bargain.

Mr. Hufsey. Mr. *Hufsey* also said a few words in answer to what the lord advocate had said against the calculations stated by him, in which he said that he had made allowance for the difference of expence that would have been required now for the maintenance of the commerce independent of the territorial possessions. He likewise asserted, that the public had received two millions from the company, exclusive of the indemnity on tea.

Mr. Burke. Mr. *Burke* declared, that he would only trespass on the House for a few minutes. He was so unfortunate, he said, as to disagree with his honourable friend, who spoke last, in more points than one, for he not only held that the company's territorial acquisitions belonged entirely to themselves, but with respect to the bills so much talked of, really believed they would be drawn with more alacrity on the 600,000*l.* than on the Exchequer; there was not, in his idea, a single Asiatic plunderer who did not know the noble lord in the blue ribbon better than to think of drawing on any fund in his disposal for a single shilling; for his lordship was so notoriously lavish that he took care to keep his coffers empty; and he would venture to predict, that if this money came into his hands, it would not remain there time enough to answer a single draft; this, indeed, his lordship had already avowed, by saying, that it was allotted for the support of our fleets and armies. It was, however, no ways surprising that the noble lord should have such a peculiar faculty of disbursing large sums; for, if his own diligence was not effectual, he had such capable and numerous assistants among the contractors, pensioners, &c. &c. that nothing was difficult; as for the poor 600,000*l.* it would be gone in a moment.

He then replied to several leading arguments of the lord advocate with great warmth, and censured his lordship for appealing to the passions of the House, by the term Asiatic plunderers. He observed, that in reasoning on the policy and justice of the resolution proposed, he applied himself rather to the understanding than the feelings of the House; but to talk of Asiatic plunderers, for the purpose that the noble lord had adopted the phrase, was clearly a fit of oratory; which, though he paid as much homage to the talent as any man, he could not admit of it on this occasion. Surely it was requisite to have some means of making remittances from India; and as the two former channels of France and Holland were now shut up, there was no possible way of sending home property but

but that which the noble lord wished to prevent. The present posture of affairs in India was very tremendous, he would not say desperate: God forbid! But when it was considered that the treasury at Madras was exhausted, and a destroying enemy wasting the country round it, how was it possible for resources to be obtained if bills were not to be drawn upon the company? With respect to the general question, he professed every possible degree of respect for the great authorities quoted by the learned lord, but he knew crown-lawyers too well to trust in their opinions between the Crown and subjects; notwithstanding therefore this, and all the other arguments adduced to-night, he must persist in his amendment; and though he would not teise when he could not convince, should certainly move it again on the report, or, in some other stage of the business, where it might be entered on the Journals of the House.

The *Lord Advocate* said a few words in reply, principally to retort on Mr. Burke the charge of moving the passions; and he said the honourable gentleman had been so very fortunate on that accusation as to exhibit, in his own oratory, while he made the charge, all the passion and the heat of which he complained, thereby impressing on the House a proper sense of the subject. *Lord Advocate*

The House now divided on the amendment.

Ayes, 52; Noes, 151.

The original question was then agreed to.

May 24.

Mr. Ord brought up the report from the last night's committee; upon which Mr. Dempster rose and said, that as he considered the proceedings of the committee a violation of the constitution, and effectually plucking up the faith of Parliament by the roots, he did not mean to debate the business over again, but he was determined again to take the sense of the House upon the subject. On a division, the numbers were, *Mr. Ord.*

For agreeing with the report, 49

Against it, 16

Mr. Dempster took an opportunity of stating to the House, that a bill had been brought in, and read a first time, for exempting from duty an article described by the name of foul salt, intended for the purpose of manuring land, and from which an alkaline salt could be extracted in large quantities. The honourable gentleman acquainted the House with the motives that had led to the introduction of the bill, and said, it had been received and countenanced on the principle of encouraging the persons who had made a discovery of the uses *Mr. Dempster.*

to which this foul salt could be applied. With respect to the benefits to be derived therefrom, they were, in his opinion, extremely great, and such as well entitled the bill to the attention of the House. What the honourable gentleman principally rose for was, to move, that the bill should be made to extend to Scotland, and not be merely confined to England.

In the year 1765, when an act passed respecting alkalines, the provisions thereof went to Scotland, as well as this country, and all he wished was, to have both kingdoms put upon an equal footing with respect to the exempting this foul salt from all duty. The honourable gentleman said, the discovery of this article would save us a prodigious sum every year, as it would render the importation of alkaline salt from Spain in a great degree unnecessary. Upon the whole, Mr. Dempster begged to move, that the bill for exempting foul salt from duty, be also made to extend to that part of Great Britain called Scotland.

Sir George Yonge.

Sir George Yonge allowed that the bill in the year 1765 went to Scotland in the provisions it contained as well as England, but he apprehended that the present bill differed very widely from it, both in principle and reason. What was the present case? A discovery had been made, that foul salt could be rendered highly useful in the manuring of land, and also yield an alkaline salt equal to the best imported. As an encouragement for the discovery, the House had admitted a bill to be brought in for exempting this article from duty, but had confined it wholly to England. The honourable gentleman (Mr. Dempster) remarking this, had moved, that it should also be made to extend to Scotland. But what right had Scotland to partake of the benefit to be derived from the bill? Were there any persons in Scotland who knew how to prepare this foul salt? Had any such thing been stated? For aught that had appeared, the House were not given to understand, that any one in Scotland knew the secret, and yet the advantages it might produce were to be extended to that country. This the honourable gentleman thought extremely absurd and unreasonable, and therefore should formally oppose the motion, when a more proper opportunity should offer itself to him for that purpose.

The motion was then put, and agreed to.

May 25.

The House, pursuant to the order of the day, resolved itself into a committee, to take into farther consideration the affairs of the East India Company. Mr. Ord in the chair.

Lord North. Lord North rose, and opened to the committee some more propositions, which he should submit to their judgment relative

tive to the said company. It had been resolved, he observed, on Wednesday, that three-fourths of the surplus of territorial revenue, which by the last parliamentary agreement was reserved to the public after a dividend of eight per cent. should be claimed in pursuance of that agreement. With respect, therefore, to the past acquisitions of the company, the question was already settled; but some regulations were necessary for the future, as well with regard to the participation of the profits, and the advantage which the public ought to derive from the company's revenue, as with respect to the management of their affairs in India, and to those he now begged leave to call their attention.

His Lordship then concisely recapitulated the several acts of Parliament which had passed by agreement with the company, for regulating the point in question, from that in the year 1767 to that of 1773. All these, he observed, went on the idea of a right in the public to a participation of the territorial revenues; and the agreement of 1769 made an equality of interest between them, only saving to the company a clear dividend of six per cent. below which if their net profits should at any time fall, the public were precluded from any participation till the dividend rose again to that sum. He then stated, that in the year 1773, finding that the affairs of the company were in a very declining state, the public interfered, and agreed not only to forego the advantages to which they were intitled, but after inquiring into the facts, took a decisive interest in their affairs, and lent the company the sum of 140,000*l.* and at the same time passed an act which enjoined regulations so wise and salutary, as soon restored them to so prosperous and flourishing a state that they not only paid off the loan, reduced their bond debt to 1,500,000*l.* but also were enabled to take advantage of the resolutions of that House, and raise their dividend to eight per cent. It was well known, that the interference of Parliament upon that occasion was contrary to the wishes of Leadenhall-street, and that they loudly inveighed against the legislature for being so rude and violent as to serve them against their will. The good consequences, however, which their regulations produced, demonstrated their utility, and reconciled the company to the interference. In the year 1773 it was generally understood, that though the public, from a consideration of the immediate distress of the company, agreed to forego a participation of their profits, agreeable to the bargain of 1769, that nevertheless, when the company's affairs should be in a better condition, and they be more able to afford it, then the public were again to have their share of advantage

advantage from the company, in consequence of the revenue derived from their territorial acquisitions and possessions. What he meant to do at present, was to bring in a bill, continuing, for a time to be limited, the management of the territorial possessions, and the receipt of the revenue, in the hands of the East India Company, and in that bill to enact what the future participation of the public in the company's profits should be. By the bargain of 1769, the company were to divide six per cent. only; but of late, as he had before said, they had raised their dividend to eight per cent. In the list of propositions recommended to the general court, by the directors, the proposition of participation was this: the company were, first of all, to take eight per cent. on their capital stock of three million five hundred thousand pounds, out of their profits, then the public were to have eight per cent. and the rest, should there be any profits more than sixteen per cent. to be equally divided between the public and the company. This proposition the general court did not, it seems, approve; but had sent another to the ballot, the terms of which were these: the company, first of all, to take eight per cent. and all the surplus to be divided in the following manner; three-fourths to be appropriated to the public, and the remaining fourth to the company, reserving always a moiety, after the increase of the company's dividend one per cent. to the discharge of the stock debt. His Lordship said, he gave the preference to the proposition recommended by the directors, and for this reason: if the public had only three-fourths of the surplus, then if the company got twelve, the public would get only eight per cent. and so on in that proportion; but there was some little difference between this and the one which he should submit to the House; though it was second in order, he would move it first, for, as to the term of the renewal, he should not consider that now. What he should move then would be this, that first the company should be secured in eight per cent. if the net profits amounted to so much, that then the public should have eight per cent. if they amounted to sixteen; but if they fell short of sixteen, then the public to have all above eight per cent. that if they amounted to more than sixteen, the surplus, whatever it might be, to be divided, but under certain regulations; the public to have half of it; and then one per cent. to go towards raising the dividend to nine per cent. and the remainder to go towards discharging their stock debt. His Lordship argued on the reasonableness of this proposition, and shewed that, at the same time, that it secured the public a fair proportion of the company's profits, it secured to the company

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a better dividend, by two per cent. than they were entitled to by the bargain of 1769, for there the public were to participate, if the company divided six per cent. while here it was necessary that the company should have a clear net dividend of eight per cent. before the public could come in for any share whatever, and then they were only intitled to the surplus, which, though it might perhaps amount to eight per cent. might be less; and if it should be more, the company had an equal advantage in the extra profits with the public. Having fully discussed this point, his Lordship said, the next matter, which he must make the subject of a single resolution, was to empower the company, in case of distress for cash, to borrow 500,000*l.* on bond or otherwise; and this, he said, he agreed to, because it was among other of the directors propositions; and as, very possibly, an occasion might arise when the company would be much distressed, he thought it would not be right to say "no" to the proposition.

He expressed his concern, that notwithstanding his very earnest desire, the company had not thought proper to petition Parliament for a renewal of their charter; but as they had not done it, so he would not force a renewal upon them; and would make the bill, which he intended to bring in upon the resolutions he was going to propose to the committee, only for one year: during that period, he would leave them the territorial acquisitions; and perhaps before the expiration of the bill, an amicable agreement might be concluded. Into this bill he intended to introduce certain regulations, some of which had been proposed to him by the court of directors; others he had yet to suggest to the House.

With respect to the payment of the King's troops in the service of the company, he would not at that time make any proposition about the manner in which they should be paid; but it was proper they should be paid as well and as soon as the company's; but whenever the mode of payment, and the quantum of the sum should be ascertained, the company might be sure nothing unreasonable would be asked; for the company, by the regulations he had suggested, were to take eight per cent. out of the profits, before the public should touch any part of them; therefore if any unreasonable sum should be asked for the protection of the fleets and armies, it was the public, and not the company, that would be injured by it. It was possible that India might, at some period or other, be made the seat of war between this country and some of the great European powers; in such case, the
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company could not, ought not, to be charged with the payment of all the forces which should be sent there.

He had an idea, which he had once thrown out, of giving the governor-general greater powers than were at present vested in him, and authorising him in some cases to act independently of his council, only stating to them, after he had so acted, the reasons upon which he justified his conduct, and sending home those reasons, together with such as the council should at the time have delivered, in case they differed in opinion from the governor-general; he had also thought of empowering the presidents of the councils of the other presidencies to give a negative; both of which alterations, he believed, considering the nature of the country, the temper and habits of living of the natives, and on various other considerations, would be of advantage to the government and prosperity of the inhabitants. But these propositions he only threw out now for the information of the House, that they might turn their minds towards them against another year, when the charter would perhaps be renewed by agreement for a term of years, and at which time the House might have the opportunity of considering them with all the attention which their consequence and their novelty required. In the proposition that no bill, note, or obligation, for money issued, or to be issued, by any of the company's presidents, councils, or servants, in India or China, made payable there, should be payable in England, without the consent of eighteen of the directors, he perfectly agreed; it was a very prudent and proper restriction. Another matter he designed to introduce was this; at present the company were obliged to send copies of all their dispatches from India, but not of any of the orders and instructions which they sent out. He meant, therefore, to insert in the bill a clause, obliging them to shew to the Lords of the Treasury, or the Secretaries of State, all their instructions to their servants that related to their political and military conduct; and to add farther, that if his Majesty thought proper to signify, through his Secretaries of State to the Directors, any order relative to the particular conduct of the company's servants, in regard to the prosecution and management of the war in India, or to the political direction of affairs, or to any treaties with the powers in India, or to the political direction of affairs, or to any treaties with the powers in India, that the Directors should be obliged to obey such order, and to send it out to India immediately. The grounds upon which he rested
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the necessity for this regulation was, that as the wars in India might materially affect this country, his Majesty, as the executive branch of the British government, ought to interfere whenever he saw occasion, and to have the political connexions and alliances in India regulated in such manner as should seem most likely to be of service to the general welfare of the state. The above regulation, his Lordship said, could not be objected to on the score of its giving ministers an extension of influence or patronage, because undoubtedly it gave them none; on the contrary, it was a matter not very desirable to ministers, because surely the power of giving orders and compelling the directors, and others under them to obey them, without being likely to advance influence, imposed responsibility which no ministers would be very anxious to desire. There was another thing which he intended to propose; by law, all the servants of the company were prohibited from receiving presents in India; if they did, such presents became forfeited to the directors; but as the directors were rather backward in availing themselves of this law, he would provide, that if, during a given period, the directors should not claim those presents as their right, the Attorney-General should be empowered to inform against those who had received presents, and claim the presents as the property of the Crown. He thought it would be a desirable object to establish a court of judicature in this kingdom, to hear and determine, in a summary way, all charges of pecculation and oppression in India: but as no plan of such a tribunal had been as yet drawn; and as the bill was merely temporary, it would not be proper at present to make any regulation except of a temporary nature. There were other regulations of less importance which it was needless for him to state then, as the House would have a full opportunity of examining and discussing them, when they were properly before them in the bill. With regard to the Supreme Court of Judicature, as that matter was already in the hands of other gentlemen, he would not at present say much upon the subject. The jurisdiction, as originally intended by Parliament, was certainly a Court calculated to produce a great deal of good, being infinitely better constituted than the Mayor's court of Calcutta; since being a dependent jurisdiction, the same equal justice was not to be expected from it. The act of Parliament, when it arrived in India, had been defined, and defined contrary to the intention of the legislature, when it passed the bill; much evil had, he believed, arisen, in consequence; at the same time undoubtedly much good had also

arisen, for the principle upon which the court was established, was beyond dispute laudable and necessary; the poor natives were to be protected from oppression, and perhaps there were Europeans who had not humanity enough to refrain from oppressing an innocent people if they had not been restrained by this court. He recommended it therefore very earnestly to the consideration of the gentlemen, who were to bring in the bill to explain and amend the act of 1773, to pay great attention in drawing it to the original constitution of the Supreme Court, the powers which Parliament intended to invest it with, and in what manner and in what degree its jurisdiction had been extended improperly. At length his Lordship concluded with moving the resolution to the following purport, "that it is the opinion of this committee, that leave be given to bring in a bill to allow the East India company to continue their exclusive trade to India, to manage the territorial acquisitions and possessions in Asia, and to receive the revenue arising therefrom, for a time to be limited; and that as soon after the 30th of March 1782 as possible, an account of the net profits from the 30th of March 1781 to that day, be made up and laid before Parliament, and the net profits resulting to the company be thus appropriated. The company to have the first eight per cent. on their capital stock, then the public to have all the surplus if the profits should, on the whole, be under or equal to sixteen per cent. but if more than sixteen per cent. then the public to take eight per cent. and to have a moiety of the surplus, one per cent. out of it to go to the increase of the company's dividend, and the remainder to be applied to the discharge of the company's stock debt."

Gen. Smith. General *Smith* rose, immediately after the motion had been read by the chairman, and said, if, for a moment, he could forget the place in which he stood, and the high station and character of the noble lord in the blue ribbon, he should have been apt to imagine that he was at Guildhall, and that the noble lord was a commissioner of bankrupts, for he could not consider the resolution now moved, as well as the greatest part of what the noble lord had said, any otherwise than as a commission of bankruptcy issued out against the East-India company; from this remark the General proceeded to assert that it was impossible the company could stand if so much of their money went to the public. A position he endeavoured to maintain, by stating that a considerable portion of their apparent profits was in fact the right of their creditors in India,

India, and ought to be appropriated to the discharge of the great debt incurred by carrying on their wars; they owed at present, he said, 1,400,000*l.* at least, and how was that debt, daily and hourly increasing, ever to be diminished, if the noble lord insisted on having that money, which in justice and in honour ought to go to the discharge of the debt incurred. He adverted to the lord-advocate's speech of Wednesday last, and reprobated the argument advanced by the learned lord, that the consequence of suffering 1,100,000*l.* to remain in the company's coffers would be, that the Asiatic plunderers would send over an inundation of bills upon the company. The idea, he declared to be wholly unfounded. The utmost that could be drawn for, by the company's servants, was 320,000*l.* But the whole of the learned lord's speech, whatever service it might do, the noble lord in the blue ribbon here, would, if it got over to India, produce much mischief. He said, he was amazed at the inconsistent and contradictory language held by the noble lord at different times, after what he had talked but the other day of the danger and bad consequences of permitting the company to borrow money, he little expected to hear him stand up, and be himself the mover of a proposition to empower the company to borrow 500,000*l.* He saw, however, the intention of the proposition; it was this, the noble lord empowered them to borrow, merely that they might have an opportunity of paying the public their share of the profits, so that, in fact, the money borrowed was to go to make up their dividend; this he called a mischievous idea. But such would be the miserable state of the company's affairs, in consequence of the noble lord's intended regulations, that he declared, he would be the man to advise the company to give up their charter, to share and divide the little they had left, and to carry on the trade no longer. With regard to the act of 1773, experience, the test of truth, proved, that the execution of that act in India had been pregnant with much evil; and when it was considered that the governor general had taken up arms against the decrees of the supreme court, their needed little argument to prove it. The noble lord, he observed, had an idea of giving more power to governor general; if the noble lord knew as much of the abuse of power in India, by those who had been entrusted with it, as he did, he was sure he would alter his opinion, and rather think it wise to lessen than to encrease the power of any person in high office there. The noble lord had farther thrown out an idea of making the Court of Directors subject to the orders

ders of his Majesty, delivered by his secretaries of state, and had said, it neither gave ministers patronage nor influence; the assertion was ridiculous, when it was notorious that for years past, there had not been a single appointment, which was not managed for ministers, either through the influence of the noble lord in the blue ribbon, or another noble lord in a high office. He reprobated the idea of making the directors shew their dispatches to ministers; it would make a chaos of government by placing power in one place and responsibility in another. But he was at last come to an idea totally contrary to every idea he had entertained of the East India company for many years. He had broached that idea at the India House, and he would speak out, and deliver it in that House. It was this; he declared to God, such had been the conduct of some of the directors for the last five years, that he wished the entire management of the company were taken out of their hands, and put into the hands of government; and for this reason, in conducting affairs of such vast magnitude and importance there ought to be responsibility somewhere; at present, as matters were settled, one power was lodged with the directors, another with the minister, and so on; there was no responsibility at all, and it was a mere jumble of contradictions. The General said, another of the resolutions suggested by the noble lord, was a great hardship, and that was obliging the company to pay the King's troops and ships crews out of their territorial revenues; he desired to know why our possessions in the East-Indies were not entitled to be protected at the public expence as much as Jamaica, or any other part of the empire? it had been generally agreed that no part of the possessions of Great-Britain were more valuable. He said he was glad, however, that the noble lord had so far changed his mind as to bring in a short bill for continuing the exclusive trade, &c. to the company for another year; it was wise, and he wished the rest of the noble lord's intentions were equally wise and equally justifiable. The contrary however was the case, and so fully convinced was he of the bad tendency, nay, of the cruelty and oppression contained in the resolution which the noble lord had just moved, that he was determined not only to oppose it then, but in every stage in which he could oppose it. He treated as childish the idea of taking 600,000*l.* by one vote from the company, and giving them by another leave to borrow 500,000*l.* and in a word, sooner than submit to such a participation as the noble lord had described, he would
advise

advise the company to surrender their right to the exclusive trade, and not continue a branch of commerce by which they must lose.

Mr. *Hussey* said, he did not get up to oppose the resolution, because as it was only intended to pass a bill for a year, and as the noble lord well knew that the dividend could not be more than eight per cent. it was not of any sort of consequence what resolution was made that related to participating more than the first eight per cent. but undoubtedly in a permanent bill it ought to be considered by the noble lord and the House, that such a regulation would rob the proprietors of all hope that their dividend should ever exceed eight per cent. and the proprietors ought to be considered as well as the public, as the fortunes they enjoyed in the India stock were laid out there under the idea that more than eight per cent. might be made of their money, though upon an average of nineteen years the dividends had not exceeded that sum. He reverted to the business of Wednesday, and asked once more, by what right the noble lord took the 600,000*l.* from the company, for he had made out no right as yet. Mr. *Hussey* said rather, that he rose to speak for those who were not present to take care of themselves, the honest proprietor, who had laid out his money fairly, and run all the risk of losing it, and now when an advantageous return was likely to be obtained was about to be unjustly deprived of that gain he was every way entitled to. By the honest proprietor, Mr. *Hussey* said, he did not mean office-clerks and dependents on government, who purchased two thousand pounds stock to get themselves made directors, merely for the purpose of managing and carrying the minister's jobs.

Mr. *Wray* spoke greatly in commendation of the noble lord in the blue ribbon, for having turned his attention lately to so important a consideration, as the welfare and prosperity of the British empire in Asia. No part of our possessions better deserved the noble lord's consideration and care. He took notice of the desponding stile in which the gentlemen had talked of the present state of the company's affairs abroad, and said he differed totally in opinion; he saw no reason to despond, his hopes were far from sunk, although it was true, that in consequence of Hyder Ally's successes, our interest and concerns in India were in a very different situation from that glorious one to which we raised them last war. In order to shew that there was no occasion to despond, he went over a history of the various wars carried on in India for the last

last half century, pointing out that our affairs there were in a much worse posture in 1756, 1757, and 1758. He stated the various defeats, and the various battles we had lost, noticing also our having been driven to the gates of Madras, and even besieged within the walls of Fort St. George by Monsieur Lally. He contrasted these disasters with the victories we had won, the towns we had taken, and the immense wealth we had amassed. In the course of his speech he declared, that he had not a doubt in his mind as to the right the public had to the territorial acquisitions; and he said, if gentlemen would consult Grotius, Puffendorf, and other writers on the subject, their scruples, he was sure, would be entirely removed.

Solicitor-General.

The *Solicitor-General* said, though he certainly was not as much master of the subject as several of the gentlemen who sat on the other side of the House, he could not refrain from saying a few words. He then defended the noble lord's argument, and his propositions. He said, the resolution that the 600,000l. should be paid into the Exchequer was not the urging of any new claim, but merely the putting in force two resolutions of that House, agreed to about seven years ago, and standing upon the Journals. That therefore every argument on the score of the distress of the company, and the unpromising prospect of its affairs, fell to the ground, and did not in the least affect either the justice or propriety of the question agitated and determined by the committee last Wednesday. It was the noble lord's duty to bring forward that resolution; and even supposing it possible, that the very day after the money had been paid into the Exchequer such should be the real distress of the company, that they should require twice as much assistance from government, he should still hold that it was the noble lord's duty to take the money, although at the same time he should think him guilty of a very high crime indeed, if he did not assist the company the next day with every shilling they wanted, should the Treasury have so much money at command. With regard to the present proposition, it was fair, just, and equitable. The public had an undoubted right to a participation, and after eight per cent. was secured to the company, they had no cause, in his mind, to complain if the public should take that proportion of the surplus of the profits which the resolution then under consideration gave them.

As to what an honourable gentleman (General Smith) had said, in respect to the noble lord's idea of inserting a clause

in the bill, to oblige the directors to submit their orders and instructions to the secretaries of state's inspection, previous to their being sent to India, and also in respect to what had been thrown out in regard to the directors being obliged to obey the King's orders, nothing could be more reasonable, nothing more necessary. Did gentlemen consider that the very existence of this country might be destroyed by any misfortune in India, arising from unwise, impolitic orders being sent out to the company's servants. The wars carried on there were not merely wars against Indians and the natives. The powers of Europe were at war with us in India; the French were at war; the Dutch, in all probability, would be at war with us; and therefore, as he had before said, any material disaster in Asia might lead to the destruction of Great-Britain. To enforce the regulations proposed was not to overhaul and manage the trade concerns of a parcel of merchants; it was a very different thing; it was merely to guard against evils of a military and political, not of a mercantile and commercial, nature. In one part of his speech Mr. Solicitor recommended it to gentlemen, better acquainted with India than he was, to endeavour to put a stop to that rapine and plunder practised by the subjects of this country, who, after being in India only two or three years, came home with fortunes of from one to five hundred thousand pounds, and bore themselves with such insolent triumph, and such consciousness of the superiority their ill-acquired wealth gave them, that they assumed more than the first nobles of the kingdom. By their rapacity, practised under the idea of obtaining presents from the Indian princes and nabobs, they had, he said, for many years, been disgracing us as a nation, and making us appear in the eyes of the world, no longer to be the once-famed generous Britons, but a set of banditti and robbers, bent solely on rapine and plunder, without either honour, justice, or even common humanity. He mentioned a plan which he had formed to prevent speculation in India, which was to oblige the several governors, and other persons in public situations in India, to remit whatever money they might acquire there in their own names, and to give an account of the means by which they acquired it. Their salaries were known; they were not allowed to trade, and all presents were declared to be illegal; whatever therefore was properly gained, might be openly and fairly accounted for; it would be necessary to constitute a court armed with sufficient powers to carry on such an inquiry.

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He did not mean to state, that the courts of criminal-law were unequal to the task of punishing guilt, but the rules of evidence, and the whole form of the proceedings, were calculated for the protection of innocence; and though there was reason to believe that nineteen prisoners out of twenty that were tried were guilty, yet hardly one-third of that number were convicted. The nature of the offences charged on the delinquents in India, though disgraceful to the character of the nation, and extremely injurious to the interests of the public, were such as would be extremely difficult, if not impossible, to be proved by the strictest law of evidence, under all the local inconvenience which was peculiar to questions agitated at so great a distance from the scene of action. A great degree of discretion, and, in other words, a degree of arbitrary power, must be allowed to the court; and the question must be, whether you will submit to the continuation of offence without punishment, or to the creation of extraordinary powers, which were necessary to reach the offence? The case was not a severe one; men were appointed to places of the greatest profit, and to situations little short of the splendor and power of monarchs; and if their conduct was afterwards to be subject to such an examination, they knew the condition on which they accepted the trust.

Mr. T.
Townshend.

Mr. T. Townshend said, he had no idea of speaking in the present question, but from what he had heard from the last gentleman, he greatly detested the idea of a court which it was necessary even for the proposer to describe to be discretionary and despotic. He hoped no such court would ever be known in England; there was no sort of necessity for the creation of such a one; and indeed there was a sufficient answer to the idea of erecting such a court in the constitutional declaration, *nolumus leges Angliæ mutari*. There were powers already in being, amply sufficient for the punishment of offences in India, which, he had no doubt, were great, but it was no defect in the power of punishment, but the influence which had prevented any examination or prosecution of the offences. The criminals came home rich; they procured seats in that House, they became dependents and supporters of the ministers; and if any of them shewed a disposition to become independent; a hint was given them that they might be squeezed; and they well knew that nothing could prevent their being obliged to refund their ill-got spoils but the influence of the minister. He compared the idea of sweating a nabob,

nabob, suggested by the learned gentleman, to the *chambre ardent* of Louis XIV. The best means of making a nabob harmless on his return, he said, would be to make it impossible for him to be chosen a member of that House, for there all the mischief lay. He warmly opposed the motion.

Mr. *Dempster*, in a short speech, commented on the proposed regulations which the noble Lord had stated, approving of some, and disapproving of others. He spoke with his usual candour, declaring that he did not rail against the minister for his scandalous neglect of the company's affairs: if he was harsh, he could only say, that had the gentlemen with whom he generally acted, been guilty of the same negligence, he should have reprobated their conduct much more harshly, because they were his friends. He lamented that the noble Lord's propositions would make the breach between government and the company much wider than it was, and put the prospect of an amicable agreement (which every body who had any regard either for the public or the company, must ardently wish for) at a greater distance. He advised making the act extend to two years, and not confine it to so short a period as one year only.

Mr. *Boughton Rouse* said, that as he wished well to the prosperity of his country, and the successful management of its Asiatic trade; he was anxious to see an amicable accommodation made between the public and the company upon such terms as should be reasonable for every party concerned, but that severe conditions should not be forced upon the company; and he said this without meaning to deny that the public might have a right claim upon large territorial acquisitions obtained by any corporate body, upon the renewal of its exclusive charter, but he could not acquiesce in the propriety of taking away from them arbitrarily the wealth which remained in their treasury, at the expiration of the term for which it had been granted. He expressed his concurrence in the sentiments thrown out by an honourable gentleman who had spoke a little before him (Mr. Purling) with regard to the terms the noble Lord proposed, and earnestly recommended to those who had weight in government, and to the House, to grant the proprietors a fair participation of future profits. He could wish the dividend to be allowed the proprietors had not been limited so strictly to eight per cent. as the company would now have no chance of greater benefit, either to keep up the value of their stock, or as an incentive to the careful management of those important concerns; and although they

Mr. Boughton Rouse

could never receive more than eight, would see even that rendered precarious by various contingencies. Upon the ideas intimated by a learned gentleman over the way, he thought it behoved him to say, as one who had held offices in Bengal, that for his part he would wish to see no offender screened from justice; he should never oppose any fair and equitable regulations for the prevention of abuses or punishment of crimes; and some clauses would be proposed by the committee, of which he had the honour to be a member, which would conduce to those objects: but, as a country gentleman, who had learned from his forefathers to set a value upon the liberties of this country, he must declare himself strongly averse to any new and discretionary mode of trial, which should go to make scrutiny and inquisition into the private fortunes or concerns of individuals; more especially if it were to be conducted by any other than the constitutional courts and independent judges of the nation.

Mr. Purling. Mr. Purling said, it would be impossible for the company to go on unless they were suffered to borrow the 500,000*l.* He stated, that when, in consequence of want of cash, the company had been obliged to apply to the Treasury, to intreat they would give them time to pay their customs and excise, the Treasury always put them to a heavy expence, exacting six per cent. interest. He also spoke shortly to the general question, and said the directors had done their utmost to bring forward an amicable agreement; that it was what he and every friend to the public must wish for.

Sir William James. Sir William James spoke to the same effect. The two resolutions were now severally put and agreed to.

The committee then adjourned.

April 28.

Lord Beauchamp. Lord Beauchamp requested that the House would favour him with their attention on a subject in which the domestic happiness of thousands was greatly interested. A decision, which had been made during the course of the last week in the Court of King's-bench, respecting the validity of marriages in certain cases, must necessarily be alarming to the public. The case he alluded to was this; a pauper having been sent, with his wife and children, from one parish to another, claimed in the latter a settlement for his family. The overseers of the poor, influenced by the great number of his children, refused to admit the claim; and consulting with an attorney, were advised by him, to persevere in their refusal, because, from the circumstances of the man's marriage,

riage, the children were bastards. The circumstances were simply these; that the marriage had been celebrated in consequence of the publication of banns in a chapel which was not in being at the time when the Marriage-act was passed, the case was brought, by *certiorari*, into the King's-bench; and there the judges had unanimously agreed, that according to the letter of the law, no marriage was valid if the banns were published in a church or chapel which was not standing at the passing of the Marriage-act; or which had not been built upon the site of a church or chapel in which banns had been published previous to the enacting of that law. Many marriages had been celebrated in chapels of this sort, said the noble lord, and families of children have been the fruit of these marriages; all the tender charities of life, arising from such unions are valid in the law of nature; but in *foro conscientie* must be illegal, because informal in the eye of the municipal law of this country. The consequences that would follow a rigid construction and enforcement of the above-mentioned law were shocking to the imagination, and when actually suffered must be dreadful. The dearest connections torn asunder, and the innocent offspring of those innocent connections rendered illegitimate. How far these evils might extend, could not be accurately ascertained; but it was evident that many worthy people were liable to them as the law now stood; his lordship therefore hoped that the House would think it their duty to amend it. That it required, and called aloud for amendment, was obvious to the common sense and natural feelings of mankind. Influenced by these, a court of justices, waving the literal interpretation of the law alluded to, had justified and defended the party accused, in the parish above mentioned. But the cause was appealed to the court of King's-bench, who could do no other than reverse the sentence of the justices, and decide in favour of the appellants. The judges had made their decision much against their inclination; but as the statute was of a penal nature, they were obliged to adhere strictly to the letter of it; their wishes inclined them one way, their oath and their duty led them another; and disagreeable as it was to their feelings, they had been obliged to make a decision that bastardised thousands. It was now the business of the legislature to provide for the ease and quiet of families, by passing an act, that should legalise all marriages that had been celebrated in the manner above described; and the House were bound to do it immediately, lest the remedy

should come too late for securing the happiness of many families, if the decision should be spread over the kingdom before a new act could be passed to counteract its effects. As dispatch was necessary, so he had already prepared heads of a bill; and he trusted the House would dispense with the strict observance of order, and permit him to bring it in directly. He consulted the judges of the kingdom, and they had expressed their entire approbation of the bill; saying at the same time, that it was calculated to do what they themselves would have done if they could. He flattered himself, therefore, that no opposition would be given to the speedy progress of a bill, which was absolutely necessary; and which was brought to the House under the sanction of the law officers. He then moved for leave to bring in a bill, to remedy certain inconveniencies arising from an act passed in the year 1751, entitled, an act to prevent Clandestine marriages.

Lord Surrey. Lord Surrey seconded the motion; and strongly recommended to the House, a bill tending to rescue the progenies of whole parishes from illegitimacy: he also expressed his wish that the noble lord would carry his views a little farther, and move for a complete repeal of the Marriage act. In the town which he himself had the honour to represent (Carlisle) all the inhabitants, who wanted to be married, found it extremely convenient to go a little farther north, to a place called Gretna Green, where they were under no legal restrictions; and where they stood not in need of licence or publication of banns; he was sorry they could not find this convenience at home; and that the inhabitants of south Britain were not in this respect as free as their fellow-subjects of the north. At the same time, he said, the city of Carlisle would suffer somewhat in their traffic by the repeal of that act; for they reaped considerable advantages from the numerous excursions that were made from different parts of England to Gretna-Green. The travellers came through that place in their journey, and the town was enlivened as well as benefited by the wedding parties. But this was a species of trade which he was sensible they would willingly forego for the more general comfort of freedom in this important point.

Mr. Fox. Mr. Fox spoke also to the same effect. The Marriage-act was a disgrace to the country and to the Statute-book, and he sincerely wished that the legislature would at length open their eyes to the true and plain policy of openness and impartiality

partiality in preference to pride and avarice, and abolish those restrictions which oppressed the poor without benefiting the rich. The very object for which the bill had been introduced and passed into a law was defeated; for every body that could pay for a chaise and pair could be married in spite of its provisions. He recommended to the noble lord to make his bill go farther. Perhaps the present proof of the calamity to which it had given birth might operate with the other House, who were the chief advocates for the Marriage-act, and tempt them to do that now which they had refused before, to repeal it.

Lord *Beauchamp* said, he had confined his bill to this provision only that there might be no objection nor impediment to its passage through both Houses. If he had carried it to other points, obstacles might have arisen to occasion delay, or perhaps to stop its progress entirely; and the danger of this, in a case which so loudly called for the immediate interference of Parliament, to prevent the ill consequences that might arise from the publication of this decision, had induced him to go no farther. It was late in the season, but in another year a plan might be formed, and a bill introduced, to which the lords might be brought to agree for the repeal of the act.

Mr. *Dempster* loudly reprobated the Marriage-act, as being cruel as well as impolitic, and disgraceful as well as absurd.

Mr. *Turner* spoke of it with all the warm indignation of his heart, and said it was shameful to the Statute-book. It was a breach of religious liberty and an incroachment upon the natural freedom of the subject; and if no body else would undertake the task, he declared that he would himself in another year bring in a bill totally to repeal that act.

Lord *Mahon* said, that if the House of Lords would not agree to the total repeal of that act, there were yet parts of it to which he thought they would not refuse their abhorrence when properly explained, by which a partial repeal might at least be obtained. But in the mean time the present bill was very proper, for he believed there were thousands of marriages solemnised like that now mentioned, which might all be called in question in consequence of this decision being made known and annulled; a circumstance which surely every good man must be anxious to prevent.

The bill was then brought in, and read a first time, and ordered to be read a second time the next day.

*Sir P. 7.
Clarke.*

Sir Philip Jennings Clarke moved that there should be laid before the House an account of the expenditure of the money which had been voted this session for American sufferers, with the names of the respective persons who have partaken of that bounty ! The honourable gentleman said, his reason for this motion was that he had great reason to believe the distribution of the money granted for the American refugees was exceedingly partial, and made without any regard to their former fortunes, to their losses, or to their present necessities. So that men who had lost nothing had now incomes of two, three, four, or five hundred a year. While others again who had really lost considerable estates were now suffering all the distresses of poverty.

Mr. Hartley.

Mr. Hartley seconded the motion.

The House were about to divide on the motion of *Sir Philip*, but he at last gave it up, and the question was negatived.

The House then went into a consideration of the petition of the sugar-refiners, praying that prize sugars might be permitted to be introduced and sold in this country

Previous to this, petitions were read against their prayer, from the West-India merchants of London and the planters of Jamaica ; the former being brought up by the honourable *Mr. Marsham*, and the latter by *Mr. Fuller*. *Mr. Brickdale* also mentioned an opposition to it from the merchants of Bristol, but said he had yet no petition to present from them.

*Mr. Alderman Saw-
bridge.*

The petitions of the West-India merchants and the planters of Jamaica being read, *Mr. Alderman Sawbridge*, who was chairman of the committee for inquiring into the expediency of granting the prayer of the sugar-refiners, who petitioned for the importation, &c. of prize sugars, prefaced his report from that committee with a regret that his colleagues, *Mr. Hayley* and *Mr. Bull* were prevented from performing an office which they would have performed so much better than himself. But as this task had fallen to his lot, he would go through it with cheerfulness, though not with that ability which the subject demanded, and which his worthy colleagues would have exhibited. The Alderman then described the importance of the sugar manufacture as a source of public revenue ; its present low state, and the danger of its being lost to this, and passing into the hands of foreign nations : he urged the extreme difficulty of recovering any branch of manufacture or trade, after it had been seized on by any other people ; after it had gone into another channel than its old one, and after the world was accustomed

to look for it in a new quarter as its natural market. The only thing that could prevent this evil to this nation would be to enable the sugar-refiners to manufacture and sell that commodity as cheap or cheaper than any of our neighbours; and to this end the importation and use of the new materials, taken from the enemy by way of prizes, were highly conducive. It would be said, he was well aware, that the West-India planters had been great sufferers by the present war, and that policy, as well as humanity, required that Parliament should cherish by all means, and foster plantations, from which so great benefits had arisen, and might arise to the public. The country gentlemen, he affirmed, had suffered more in the course of the present war than the West-India planters. The islands that we had lost had lessened the amount of imported sugars by thirty thousand hogheads; a quantity that could be only replaced by prize sugars. But farther, the interest of the planter and the manufacturer of sugar were the same; for the raw material was of no value to the planter unless it was manufactured in this country; and it would not be manufactured, nor would there be any demand for it, if the sugar-refiners should be obliged to give over their business, and bestow their time and money in other enterprises. He did not think it necessary to state the case at large in the present stage of it. All that he should observe was, that the allegations of the petitions had been clearly made out and fully established. The number of houses in this country for refining sugar had decreased from 140 to 100; and those which remained could not work above two days in the week. Mr. Sawbridge then read the report of the committee on the petition from the sugar-refiners, and moved, "that it should be referred to a committee of the whole House."

Mr. *Dempster* said, that he would either make an amendment to this motion, by inserting the words, "this day three months;" or, what was the same thing, would oppose the motion without any amendment, and resist it in its present form. He observed that the most material allegations in the petition of the sugar-refiners were neither supported nor attempted to be supported by any evidence. For example; the assertion, that the West-Indian planters would not in any respect be injured by the importation of prize sugars was wholly unproved, nor had any witnesses been called on that subject. Here he was referred to the Journals of the board of trade for their opinion on this matter, which he had looked for, but had not found it; at least he had not found any opinion

nion of theirs that went directly to the point in question. He then enumerated the various disadvantages and losses under which the West-India planters carried on their business; encreasing freight, higher insurance; the danger of being captured, the want of America, both as a resource for those stores that were necessary in raising and exporting sugar, and as a market for that commodity. And besides all these disadvantages and hardships, which might be called political, they had lately been forced to contend with difficulties and disasters that might be called natural, as arising from the elements, which seem to have been armed against the unhappy planters, divine Providence permitting physical convulsions to co-operate with commotions flowing from moral causes, to afflict those islands that have been, for some time, the seat of war by sea among the contending powers of Europe. It was a spectacle truly ludicrous, if any thing could be considered as ludicrous that was intimately connected with matters of so serious importance, to see the noble lord at the head of the Treasury giving charity to the planters with one hand, and imposing a heavy tax on them with the other. But it would be absurd as well as ludicrous to impose a tax, and at the same time, by invading that monopoly which alone could enable them to bear it, wholly to cut off all possibility of payment.

The honourable member went into the motives that actuated the petitioners, and said many of them had contracted to deliver sugars at a certain price, and now came to Parliament, praying that they might be permitted to buy prize goods, merely that they might be enabled the better to comply with those contracts. For these and many other reasons, and particularly the advanced period of the session, the honourable gentleman said he should oppose the petition to the utmost of his power; and move, that the House, instead of going immediately into a committee, should postpone it to this day three months.

Lord Beauchamp.

Lord *Beauchamp* strenuously supported the motion. He said that the exclusion of prize sugars from our market was not in consequence of any act of Parliament, but merely a custom-house regulation; consequently, there was no mutual compact subsisting with the West-India planter, the infraction of which he could complain of, should this measure be adopted. The honourable gentleman who spoke last was justly celebrated for his candour on all occasions, but he could not now compliment him on that score, when he found him inclined to reject, in the first instance, the report of a committee without any investigation of its merits: Were the petitions
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of so valuable a body of men as the sugar-refiners wholly undeserving of attention? or were the facts they stated so very trivial that they were not worthy of an argument? What were these facts? That the importation of raw sugars had considerably decreased, which was fully proved before the committee; that the manufactory was almost ruined, several of the houses being dismantled, and many of the tradesmen become bankrupts; that the number of boiling-houses had been reduced from a hundred and forty to a hundred; that valuable contracts with foreigners remained unexecuted, for want of materials; and such were the disadvantages of one species and another, under which these unfortunate manufacturers laboured, that their last year's profits did not amount to three per cent. on their very extensive capitals. Having ascertained all these facts by evidence in the committee, the honourable gentleman thought the proofs still defective, because they had not shewn the impossibility of our plantations being injured by granting their petition; but surely it was neither incumbent on them to exhibit evidence of that kind, nor practicable to do so; it was rather the business of the planters, or their agents, to shew the contrary, which they had an ample opportunity of doing, as this business had now been protracted by official delays and other causes for no less than eighteen months; yet the parties, on whose behalf the report was to be now rejected, had not opposed it in the committee. With respect to the necessity of exporting prize sugar unrefined, there was no law whatsoever that declared it; this necessity was founded only on a custom-house regulation, but not in law. As to the monopoly enjoyed by the British planters, of exclusively supplying the British market with sugar, it was no more founded in law than was the necessity of exporting prize sugar; and consequently, it could not be thought a breach of public faith to the planters, to permit the home market to be supplied for a time with sugars taken from the enemy. The monopoly of the India Company was sanctified by law; and yet in case of capture of vessels laden with tea, that article was sold here for home consumption, and not for exportation. The West-India planter, no doubt, had suffered by the war; but surely it would be admitted, that the country gentlemen had been at least as great sufferers; and yet, though they had undoubtedly the best claim to an exclusive right of supplying the home-market with corn; yet in times of scarcity they never complained, when Parliament opened their ports to the importers of foreign corn.

His Lordship went on to state, that the importation of sugar had of course decreased by the capture of our West-India Islands, the annual produce of which was 60,000 hogsheds; but the largest amount of prize sugar in any one year since the commencement of the war, had been only 26,000, consequently, by acceding to the present proposition, there would still be not near so great an influx to our markets as formerly, and the price of the commodity would be much more advantageous to the planter than before the commencement of the war. It would appear from this computation how much the sugar manufactory here must have suffered; for all the former importation of raw sugar was consumed by the manufacturer; now, besides the impolicy of crushing a branch of trade, of which all Europe was at present emulous, and which employed so large a number of people, the interest of our revenue was also concerned, and must suffer considerable diminution by the want of this commodity. But he trusted that the importance of the manufacture itself would be a sufficient motive for its encouragement; that it was important, had, he believed, never been denied, except in some late publications, which, with an illiberality that House could not hear without indignation, disparaged the value of the trade, because it was chiefly conducted by foreigners. I am a good deal diverted, continued his Lordship, with the sudden revolution there has been in the tone of the conversations of West India merchants on the successes of Admiral Rodney against the Dutch settlements of Demerary and Islequibo. At first, these were of no consequence, and the important strain in which they were mentioned in the Gazette, was made a topic of jest and ridicule; now we hear of the great value of those infant settlements, and of the danger arising thence to the West India planters. Here his Lordship recalled to the remembrance of the House an attempt that had been made about the year 1766 to raise a sugar plantation on the coast of Honduras, and the bill that had been carried through the House, by the interest of Mr. Beckford, for preventing the importation into Great Britain of sugar raised in any part of America. His Lordship said, that if Martinique or Guadalope should be taken from the French, no one would conceive our own colonies to be injured, by allowing the importation of sugar from those islands; why then should it be deemed injurious, when a small part of their produce was taken at sea, to sell it in our own markets? On the whole, he contended that an opposition of interests between our manufactures and our planters existed only in idea; that their prosperity was built on the same basis; and to suffer

the decay of the one would ensure the destruction of the other. At any rate he declared it would not be decent to dismiss a petition that had for its object the continuance of so valuable a trade without suffering it to go to a committee. On the *prima facie* evidence of the petition it justly challenged the attention of the House; and therefore in common decency it ought not to be stopped in its way to the committee.

Mr. *Marshall* said, that of all his Majesty's subjects, the West-India planters had suffered most from the present war. *Mar-*
The tax that had been imposed on sugar would fall on the planter, and he did not speak lightly, but from good authority, when he said, that in the opinion of many planters, that tax would be the ruin of the West India colonies. He observed, that it would be madness to invade the rights of this monopoly, when, by such invasion, the power would be taken away of paying the tax imposed. The West-India colonies had thriven under the present colony laws, which it would be very impolitic hastily to abrogate. He concluded his speech with a declaration, that in his opinion those persons should bear a considerable portion of the taxes, who retired from the public service with great pensions and sinecures. *Mar-*

Mr. *Fox* spoke ably on the same side. The noble lord, he *Fox*
said, had accused his honourable friend (Mr. Dempster) with want of candour on this occasion, though he allowed him to possess that quality in general; for his own part, he thought his friend sometimes too candid, and was never more inclined to agree with him than when he was least so. In this day's business, however, he had strictly adhered to candour, meeting the petitioners in the proper stage of the business, and opposing them on the fairest grounds imaginable. The oppressive consequences of the war on our West-India plantations was more intolerable than could well be described; besides all the losses they sustained, the price of shipping and insurance was enormously increased, and the expence of their home-defence was greater in proportion than that of Great Britain; the island of Jamaica alone expended annually 160,000l. though her establishment before the war was only 60,000l. What then was to be the equivalent for such burthens; how were they to struggle against all the calamities of war, but by taking advantage of any casual high price which their commodities might bear in our market? But, instead of this, new innovations were now attempted, by which every prospect of support would be defeated in future; and this on no other plan but a temporary scarcity of sugar, which the events of war alone had produced. Our convoy last year had been taken, and in consequence of that, there could not be found shipping

to transport the growth of our islands; but it was universally admitted, that the crop now on hand exceeded every thing that had been remembered; and, in a short time, a fleet was expected with an ample supply for our markets.

The noble lord had called the non-importation of prize-sugars a mere custom-house regulation, and therefore thought the rule might easily be dispensed with; but he must inform his Lordship, that a compact more solemn than any act of Parliament could create, made that rule not to be infringed; for we had monopolised the produce of our plantations, by unnatural restrictions on their trade: this was the only country in Europe in which they were permitted by our laws to sell their crops; surely then, by every principle of reason and natural justice; they should also have an exclusive access to our markets, a monopoly subsisting on one side, necessarily implying a monopoly also on the other. There was not any written agreement, but there was something more substantial; there was monopoly against monopoly. The West-India planters were confined in the sale of their commodities to Britain, and Britain was confined to take those commodities from them, and them only. This tacit bargain was confirmed not by words, but by deeds. The planters enjoyed certain privileges, and for those privileges they gave something in return, an ample equivalent; so that there was *quid pro quo*, which was allowed in the civil law, to be a formal ratification of any compact or bargain; but, as it would seem, Parliament were eager to seize, but not ready to grant, the advantages of a reciprocal monopoly. When any thing is to be gained, "we have a monopoly of your trade;" but when any thing is to be lost, and it is said, "we planters have a monopoly of your custom," it is replied, we have a supreme jurisdiction over you, and are bound by no tacit or implied contracts. According to this doctrine, continued Mr. Fox, the West-India planters need never read a newspaper or Gazette; there is no room for the indulgence of curiosity. If any prosperous event happens, as the taking of a sugar island, their loss is evident; since thereby the value of the growth of their plantations is diminished. If, on the contrary, an adverse accident takes place, and that any of our islands be taken, the planter shares with others in the loss. Mr. Fox was against the importation and use of prize sugars for another reason. He was unwilling to encourage an idea that seemed to be of late but too prevalent, that we might make the loss of our territorial possessions, and of other advantages formerly enjoyed,

enjoyed, by plunder and depredation. The war had on our part become in a great measure a predatory war. But the incidental advantages and acquisitions gained in this way would never be a sufficient foundation for a regular and permanent manufacture. If there should be an end to the present war, (of which he saw not any prospect) and that we should regain our islands, or gain any others, there would be indeed an increase of the commodity in question, but there might be a more enlarged market. In the mean time they were to act upon the principles of good faith and justice to all the different descriptions of British subjects.

He observed, that if our manufactory was decaying, from the loss of our islands, and consequent want of the commodity, to allow the importation of prize sugars could at best only be a temporary and precarious remedy; at the conclusion of the war, such a resource must necessarily fail; and, in the mean time, plunder was not an eligible basis of trade. He admitted indeed, that the sugar manufacture in this country was going to decay; the reason was natural, we were losing our market.

But we were not to restore that manufacture to the planters who, presuming upon the support which they had laid out their fortunes in sugar plantations, and who consequently must be ruined if they cannot get an extensive market for their commodity as their plantations and expenses require.

In the course of his speech he observed some gestures of Lord North, from which he predicted that he should have the honour of agreeing with his Lordship on this occasion, and justly declared, that he should not be too severe on the noble lord's measures in America, for fear of losing so valuable a support. He concluded with trusting that the House would not, by a hasty decision in favour of the petitioners, drive the planters to desperation.

Lord Maitland observed, that the planters and refiners were not the only persons who ought to be considered as parties before the House; the consumers undoubtedly claimed the attention of Parliament. When the noble lord in the blue ribbon laid his late tax upon sugar, he said, that though it might be supposed to bear hard upon the planter, still it would, in the end be paid wholly by the consumer; as therefore the burden of freight, insurance, and tax, fell ultimately on the consumer, it certainly was the duty of Parliament to adopt every expedient to give relief to so great a body of the community. He contended that it was not incumbent on the sugar-refiners to prove that the West-India planters would suffer no loss from

from the present proposition being carried into effect, because it was not incumbent on them to prove a negative. That the question which the House ought to consider, was, whether the situation in which the planters were now was not equal, perhaps better, than it was some years ago. He asserted, that the planters, instead of being losers in all events, as Mr. Fox had alledged, were gainers in all events. He bore a warm testimony to the truth of what had been advanced with regard to the downfall of rents.

Earl Nugent. Earl *Nugent* was clearly of opinion that the whole dispute between the planters and the refiners of sugar originated in mistaken views of their mutual interests, which were undoubtedly the same. His Lordship illustrated this position, at considerable length, and made a digression on the invention of the manufacture of sugar. Would to God, said his Lordship, that sugar had never existed. It is a luxury which is procured to the Europeans, and their descendants, by the blood and sweat of thousands of their fellow creatures.

But, continued his Lordship, so it is, that sugars are manufactured, and will be manufactured. And while we pity the poor negroes that are employed in their cultivation, we must own that sugar, though not absolutely a necessary of life, is yet now become so common among all ranks that it could not be well spared. His Lordship concluded in favour of the sugar-refiners.

Mr. T. Townsend.

Mr. *T. Townsend* declared, that his mind was open to, and desirous of information on this subject. There was no other bias on it than what there always was, a bias to prefer the public good to every private consideration whatever. He was acquainted with many of the West-India planters, and he believed he might boast of enjoying many of their friendships.

As to the sugar-refiners, he disclaimed all acquaintance or connection with them.

Having said thus much, he begged leave to observe, that after the various arguments which he had heard urged in favour of the sugar-refiners, and some of which he repeated, he thought the honourable gentleman near him (Mr. Dempster) not founded, when he said that there was no reason for going any farther in this business. He endeavoured to shew that the matter at least deserved a full and deliberate discussion; and with regard to the popular argument against such a discussion, taken from the advanced season of the year, this argument could not come with a good grace from those who had started and encouraged the discussion of the tedious East-India business. Mr. Townsend took notice of the great hopes we
might

might place in our fleet, when six ships of the line had swept the land's end, and carried off the St. Eustatia fleet, and when naval affairs were entrusted in such hands as those of the first lord of the admiralty.

Lord North was very pleasant upon the respectable assistance Ld. North. he had met with this night from gentlemen on the opposite side of the House. He would not, he said, shew himself so far insensible of that assistance as to make a long speech on the present occasion. He would, as well he might, spare himself that trouble, and the House an exercise of patience.

His Lordship began with professing, that after finding his sentiments asserted with so much ability by a gentleman with whom he was not often happy enough to agree, he should not so wantonly trespass on the attention of the House as to argue very diffusely. He could not, however, coincide in all the honourable gentleman's opinions, particularly he could not grant that the desired regulation was of a nature in no case admissible, or beyond the power of Parliament, the monopoly which subsisted was not established indeed by any statutes or written agreements, but a monopoly which was constituted and rendered sacred by the arrangements which had been established and had invariably taken place in the public conduct of the nation. It was not such that the legislature could not break through it without violating the public faith of the kingdom; but he maintained that, until there should appear a necessity for destroying the monopoly, it would not be politic to do it, nor perhaps just, when the tax upon sugar seemed to have its basis in this very monopoly, and consequently encouraged the planters to think that it was in some measure founded in law. The scarcity and dearth of sugar, his Lordship took notice, did not arise from any combination, which it might be expedient to dissolve, nor from any permanent cause of scarcity and dearth, but from those temporary causes which had been enumerated by Mr. Dempster and Mr. Fox. The unfortunate capture of the outward-bound fleet last year had retarded the arrival of the West-India fleets this; but there was good reason to hope that a fleet would soon arrive from the West-Indies, which would greatly lower the price of sugars. The honourable gentleman, whom he had in his eye, had addressed to him what he no doubt considered as an *argumentum ad hominem*, when he said that he had given charity to the West-India gentlemen with one hand, and laid a tax on them with another. To this he would only answer, that whatever merit or demerit there might be in this, was imputable not to him, but to Parliament. He said, he had
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not yet forgot the habit of opposing Mr. Fox: he would therefore, although he was this night on his own side, observe, that he thought him in the wrong for blaming the captures we had made at sea, which he presumed he did, when he applied to them the terms of plunder and depredation. His Lordship, by way of apology for not permitting the captors of sugar to have their prizes sold and manufactured in Great Britain, said that they were not at such pains, expence, and risque, in obtaining their sugars as the planters were in raising and sending sugars home. He said the more valuable the prizes the less danger there was in making them. Though, on the whole, the manufacturers of sugar might suffer at present a momentary distress; though their manufacture deserved every encouragement, and they themselves were a respectable body of the people, yet would it not be wise policy to break through the colony-laws, by which the West-India islands had so long prospered, and which, he hoped, would soon be once more in a flourishing condition; the causes of their present distress being not permanent and fixed, but temporary and casual, and from which there was a good prospect of their being soon relieved.

Mr. Ald.

Sawbridge.

Mr. Alderman Sawbridge said, he had now little hopes of carrying his question. He perceived the bent of the House, notwithstanding the strange coincidences that seemed to take place among the different members; yet he thought it his duty to declare what occurred to him on the present subject after having heard so many speakers. There seemed to be two different opinions on this subject. Some gentlemen were not for going into the question now; others were against a discussion of it at any time; on each of these opinions Mr. Sawbridge animadverted. The objection, from the time of going into the question, he removed, by observing, that other business would necessarily detain the House for a longer space than would be sufficient for the dispatch of that business; and as for those who were against going into it at all, he pressed them with this, among other arguments; that those persons who had laid out their money in sugar manufactories had drawn only 3 per cent. for it, whereas they might have had 5 or 6 from the Bank. The noble Lord had given no reason for denying the motions that he thought in any degree cogent. The West-India islands surely could not consider themselves as injured by the sale of prize sugars for a short time in this country. They were sensible that they could not themselves supply the kingdom with all that was wanting
for

for our foreign markets, and the question was whether they would wish to adhere so rigidly to the monopoly as to ruin the trade of this country in that article. Surely their own interest as well as that of the refiners required that they should preserve the same channels which they now enjoyed, and not suffer the trade to go into other hands.

Mr. *Estwick* spoke to the following effect: in rising Mr. *Estwick*
to offer my sentiments to the House upon the present occasion, I do so under circumstances of much perplexity to myself; for, Sir, (independently of other considerations) the Colonies having no representatives in this House, but on the contrary a seemingly determined spirit of oppression prevailing against them, I am well aware how idle and nugatory it would be in any individual to set himself up as an advocate for them, in opposition to the interests of those who have their representatives in this House; and the more especially too, as that advocate might be considered as being actuated and influenced by views and motives of a private and partial nature.

With respect, Sir, to the Colonies having no representatives in Parliament, what measures have been hence adopted, and what effect produced, we all see, we all know; and except those who have derived advantages to themselves from these measures, we all feel misrepresentations, misconstructions, sacrifices of the national interest, of the foreign commerce, to the little, narrow, selfish, internal views of the private trader are among the acts, the fatal consequences of which this country has so much to lament.

And, Sir, as a proof of this, there needs no better evidence than the case that is now before us? It is this: One of the first representatives of the commercial interest of this kingdom, supported by his colleagues, I mean the members for the city of London, has thought fit to introduce into this House a petition, not only innovating upon a parliamentary system of plantation-law, the wisdom of which the experience of a long series of years has manifested and confirmed; but by such innovation to open the door of ruin, which has been so long kept shut, upon the only branch of commerce that is now left of value to this country. And Mr. Speaker, for what purpose? For the purpose mediately as a bait to catch this House with, of a little, inconsiderable temporary revenue; but immediately for the purpose of gratifying the avarice and rapacity of an unjust combination of individuals; because represented in this House; for the benefit and advantage of a few of the honourable gentleman's

trading constituents in the city of London, though, Sir, manifestly to the injury and oppression of at least fifteen hundred thousand other persons, whose interests are meant to be sacrificed by the adoption of this petition.

Such then, Sir, being the circumstances and state of this case, it may be well supposed that I do not mean to enter, if it were even regular in me to do so, into the long detail of facts that have been reported to the House by the committee upon the petition that is now before us. Nor, Sir, is it my intention to trouble the House with any arguments, either political or commercial, upon the subject matter of the petition itself; for here too, Sir, as an additional objection, having been accustomed to view the policy of this country as ever acting in subserviency to its commerce, and not, as at present, its commerce in subserviency to its policy, in such a field of argument I must confess I am by no means prepared to enter.

But, Sir, at the same time that I have said this, at same time that I feel the unhappy situation of the Colonies in this House; yet, Sir, considering, as I do, the object of this petition, not as a mere point of commercial regulation, but as a case of policy and a matter of state; when I reflect that the exclusive right of the British sugar-colonies to the British markets, for the sale of their sugars, is founded on the faith of the nation; and that upon that faith being grounded the right which this House exercises, and exercises too with so heavy a hand, of imposing duties upon the sugars of those Colonies, the violation of that exclusive right is an actual and direct breach of the national faith; when I consider that this exclusive right is by no means an act of grace or favour, but a compact of mutual and reciprocal benefit and advantage; that it was given on the one hand as an encouragement and security to the planter for the employment of his money in the cultivation of the colonies, and received on the other as a recompence for the maintenance and support of the trade and navigation of this country; and that therefore to take away the security, after the condition of that security had been performed, is not delusion only, but a downright, palpable, and unqualified fraud; I say, Mr. Speaker, in this state of the case, and under this point of view, however represented these petitioners may be, however unrepresented the colonies are, there is I am still left to trull and to hope, another principle in this House besides the principle

ple of representation, which may and will rise superior to every consideration whatever. I mean, Sir, that principle of justice by which the faith of the nation is to be preserved, and upon which the credit of this House depends.

And now, Sir, referring this matter upon this ground, I leave it where it is left, to the wisdom, to the justice, and to the power of the House. I leave it to the faith of Parliament, which is, as I have said, already pledged against the measure that is now proposed. I leave it, Sir, to the word and honour of the minister. I leave it to the arguments of the noble Lord in the blue ribbon, upon a late occasion, arguments which the House must remember, and the noble Lord cannot forget; arguments that are decisive against the present petition, though accompanied, as I am sorry to add, with other arguments, which, without the aid of this petition, I fear, Mr. Speaker, have already decided the ruin of the West-India islands.

Sir, I beg pardon for trespassing upon the time and patience of the House; but, Sir, seeing this petition in the light which I do, not only as setting up a private interest against the public good, but in so doing, as making a direct attack upon the faith and credit of this House; for, in this House I must repeat, the colonies have no representatives; but, as a representative in this kingdom of one of those colonies, whose very existence, as a colony, connected with this country, is threatened by this petition; and, on the other hand, as a member of this House, anxious and solicitous for its faith and credit, I feel it a duty doubly incumbent upon me to refuse my countenance to a petition which is as improper in itself as it ought to be inadmissible in this House.

The question being then put, "That the report of the committee on the petition from the sugar-refiners be now referred to a committee of the whole House," there appeared for the question 62; against it 142.

In this division being over, a conversation arose on the subject of the bill, this night moved for by Lord Beauchamp, for amending the Marriage-act.

Mr. Fox rose, and begged of Lord Beauchamp to inform Mr. Fox him on what day his marriage-bill was to be read a second time. He acquainted the House with the reason of this inquiry, which was, that he thought the act now to be explained deserved their most serious attention. He wished it was possible to recall all the arguments used in support of that very impolitic law, by which the rights of nature were tyranni-

tyrannically circumscribed, and impediments thrown in the way of an institution which every wise legislator should sedulously encourage; when it was predicted by the opposers of it, that its consequence would be rendering marriage-contracts insecure, and introducing endless litigations between families; it was replied, this is impossible, for every man may look in the act, and see at once what marriages are legal and what the contrary, the provisions are too plain to admit of different constructions. But how had this been verified? Thousands had been inadvertently betrayed into illegal marriages, and innumerable suits might be instituted to try their validity; so that the peace of individuals would be shaken, and Parliament be obliged periodically to pass acts, something like those of insolvency, to legalise such nuptials as had improvidentially been made. Of this nature was the present bill, and if gentlemen would thoroughly attend to it, they would see at one view the necessity of repealing an absurd statute, the mischiefs resulting from which had been innumerable, while every good consequence the legislature had in view was constantly defeated.

The Speaker informed Mr. Fox that the bill was to be read a second time on Wednesday.

The Lord Advocate.

The *Lord Advocate* rose, and attacked the honourable gentleman for indulging, as he said, his hereditary hatred to the Marriage-act so far as to forget that not one emendation had ever been found necessary since it passed, nor one ill consequence discovered till those which gave rise to the present bill. However, he did not mean to anticipate the argument on the second reading, or debate a question not now before the House.

Lord Surrey.

Lord Surrey made a similar reservation of his argument on the subject, but could not help rising to profess his disapprobation of the Marriage-act. The restraints upon marriages, which did not exist in that country the learned Lord came from, he observed, were severely felt in this; and considering how much a matter of convenience or interest the connubial state was grown by these absurd laws, marriage itself hardly deserved a better name than legal fornication.

May 30.

Mr. Ald.

Savbridge.

Mr. Alderman Savbridge rose to make his annual motion for shortening the duration of Parliaments. The honourable gentleman said, that after having so often, without success, made this proposition to the House, he could not entertain any languine opinion of the favour it would find in the present

present instance. But he was so convinced of the utility and the necessity of the measure, that he would persevere in the motion annually during the period of his parliamentary existence, in the hopes that that which was right, that which was expedient, that which was wise, would at last be adopted. He concluded with moving his usual proposition.

Mr. *Wilkes* seconded the motion.

Mr. *Wilkes*.

Mr. *Charles Turner* said, he could not consent to give a silent vote on a question of so much importance. Without this measure he was fully of opinion it was impossible to bring back the constitution to its proper energy, and take from the Crown that enormous overbearing influence which was so destructive and insupportable.

Mr. *Turner*.

He would declare his opinion, that septennial Parliaments were a state stratagem, a court trick, to rob the people of their rights. Parliaments were made septennial by way of a security against the Pretender. But there was no fear of a Pretender if the King reigned according to the constitution and in the hearts of the people. The people would replace their confidence in that House and in his Majesty's ministers, when they should be restored to their just rights and privileges, which he sincerely wished they might be.

On a division the numbers were,

Ayes	—	—	29
Noes	—	—	59

A petition was presented from the East-India Company, complaining of the late resolution, and praying to be heard by themselves, or counsel, at the bar.

It was ordered to lie on the table.

Colonel *Hartley* now rose to call the attention of the House again to that important subject, which he had taken the liberty of offering in a former year, conciliation with America. It would be altogether needless for him to go into any argument to prove the importance of that consideration. The House had been taught, by what they had suffered, by what they had felt, and by what their constituents had expressed, to know that the continuance of the American war was grievous and alarming to the bulk of the people. The honourable gentleman went into a variety of arguments to prove the necessity of empowering his Majesty's ministers, and instructing them to come to a negotiation towards peace with the Colonies. The event, in his opinion, was not impracticable. From the circumstances which had been stated in a former year, and which still existed, it was known and believed

Colonel
Hartley.

lieved that there was an opening for an amicable settlement of our differences, and by which America might be detached from her present allies. It was the duty and business of ministers to take the advantage of this possibility, and court and meet the friends which we still had in that country, and promote a reconciliation if it was in their power. He stated that the ministers did not seem inclined to take advantage of the opportunity, and it was necessary for Parliament to interfere and to shew that there was a disposition in the legislature of this country to meet America on the ground of conciliation. For this purpose he moved, "That leave be given to bring in a bill, to vest the Crown with sufficient powers to treat, consult, and finally to agree, upon the means of restoring peace with the provinces of North-America."

Sir P. J.
Clerke.

Sir *Philip Jennings Clerke* rose to second this motion, which he said, he greatly approved. He touched slightly on the impossibility of subduing America to unconstitutional submission, and derided the declaration that had been made at the beginning of the present unhappy contest, by a noble secretary of state, which was, that while Britain had a ship that could swim, or a man able to carry a musket, she ought never in sound policy to abandon her pretensions to dominion over her Colonies. This system was still the favourite one, and that it might be pursued in all events every success of our arms, across the Atlantic was magnified, while all our disasters and losses were shaded and extenuated. The late advantage gained by Lord Cornwallis in Virginia, on which he presumed great stress was laid, he fancied was not of any great importance. Yet such titles had perpetually the miserable effect of buoying up our spirits above the conclusions of sober sense and reason. He was much struck with a recent fact: a fact which marked the character, principles, and views of the present administration with regard to America. It should seem that unconditional submission on the part of America is still their object. For Lord Dunmore (of whom he meant not to say any thing personal) was about to return to his government in Virginia; a man whose public conduct had rendered him obnoxious to the inhabitants of that country, and who could never hope to recover any power or influence among them, but by means of power that might overawe them into submission, and conquer them by fear, and not by kindness. Sir Philip did not suppose that any minister, a ministerial man, could defend the propriety of
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of opposing the motion by arguments however they might oppose it by votes.

A pause here ensued, and the ministry seemed inclined to meet the motion with a silent vote.

Sir *George Savile* rose, and reprehended this conduct as ex-Sir *G. Savile* exceedingly improper and unbecoming. It was a business of the utmost importance, and such as ought to engage the most serious consideration of every part of the House: and he was astonished to see the minister sit in sullen silence, and not deign to signify his opinion or his intentions on so important a subject. He had waited to the last moment in vain, expecting to hear something from the opposite side of the House.

The honourable Baronet went into a detail of the various and contradictory opinions and measures which had been adopted and held by government with respect to the American war. First, it was declared to be their design to reduce America to unconditional submission, and the country gentlemen were promised that the burthens of this country should be lessened by drawing a revenue from that. First one of these principles was abandoned and then the other. We then were fighting only to preserve the supremacy of this country. Every object for which we struggled was at one time abandoned, and at another resumed. The most strange and opposite opinions were held, and the same minister who declared that nothing short of unconditional submission would content him, had the effrontery to come down to the same place where he had made this declaration, and propose to the House to give up every object for which this country had ever pretended to contest. The honourable Baronet urged the necessity of the plan now proposed for the purpose of furnishing ministers with such powers as were necessary to enable them to profit from any opportunity that might present itself favourable to conciliation.

The conduct of the ministry recalled to his mind a collection of jarring maxims by Dean Swift on love, religion, and politics. He had in every season, bright and gloomy, tried to induce ministers to make peace with America, but it seemed that, "all seasons, all places, and their change, all pleased alike" to them, or rather displeased; for did any thing adverse happen we must not expose ourselves to a *turpem repulsam*. But did the sun shine upon us; did we gain any trifling victory; oh, we must not stop short in the moment

ment of victory. He concluded with an earnest appeal to the House to agree to the motion.

Lord North. Lord North said, that he had not felt the necessity of rising to speak to the question proposed by the honourable gentleman, as he understood it to be a tolerable general maxim, that when a subject had been repeatedly discussed, and the sense of the House taken and known upon it, it was not common to debate it again, but to proceed to a vote. This proposition had been twice moved in two successive sessions, not indeed in the present Parliament, but the present Parliament was composed, in a great degree, of gentlemen who were members of the last, and who were perfectly acquainted with the merits of the question. It was undoubtedly very true, that it was a most important topic, and it could not be supposed that ministers treated it lightly. But surely it was nugatory and useless; for ministers were already in possession of all the necessary powers for treating and concluding a peace with America, if America should at any time shew a disposition to meet them on that ground. The present commanders were invested with full powers to treat, consult, and agree on the means of conciliation. There were, indeed, certain reserved points which must come afterwards to be settled and concluded by Parliament, but these reserved points could not impede or prevent a conciliation if there was temper for such an event in the people of that country. There was yet another argument for opposing the present motion, and it was that which weighed most of all with his Lordship, the passing such an act of Parliament, as was described in the motion, he was fully persuaded, would place the prospect of peace and conciliation at a greater distance than it now was, and defeat, instead of forwarding its own object. After this he trusted it would not be expected that he should say any thing more on the motion.

Mr. Fox. Mr. Fox said he would not go at large into the question. He only rose to speak to one or two points. In the first place, the noble Lord had been pleased to say, that the Crown had sufficient power to make peace with America. This, the honourable gentleman said, he must deny, and on the contrary assert, that the Crown had not power invested in it to settle any one matter in dispute between Great-Britain and America. Not a single thing in controversy between them could be adjusted by the Crown. The noble Lord had indeed let it drop from him, that there might, to be sure, be reserved points for the consideration of Parliament. But what were those

those reserved points? They were, in fact, every point that was to be settled. The motion was therefore necessary, if peace with America was really and sincerely intended; and that the Crown had not power, without the authority of Parliament, was too clear to be contradicted. If the Crown had that power it was pretended to have, it surely was a question well worth considering, why the minister had come to Parliament for an act, giving power to Lord Carlisle and the rest of the commissioners to go to America, for the purpose of making peace. If the Crown had power, why were the commissioners not sent out, without coming at all to Parliament? Was it merely for the pleasure of obtaining an act of Parliament to do nothing at all? Was it because the thing itself was one of those splendid and brilliant acts that was to cast so bright a luster upon the annals of this country? or did the consequences that resulted from it, upon the commissioners' arrival in America, point out the necessity there was to have come to Parliament for the appointment of so illustrious and important an embassy?

The honourable gentleman begged leave to contradict the noble Lord. The Crown had not the power of making peace with America, as with France and Spain and Holland. What were we then at war with, America? Is America then recognised as an independent estate? No: you are at war, not with America, but with your revolted colonies in America. It is not a war with an independent enemy in which you are engaged, but an attempt to quash a rebellion, to subdue an insurrection. By an act of Parliament, no Massachusetts trader dare come into any of your harbours. Can peace be restored without repealing that act? and can that act be repealed without the authority of Parliament? The present hostilities commenced in consequence of the Prohibitory-act, as it was called, passed in the year 1765. It was that act that made the war with America. We were therefore very differently situated with America than we were with France and Spain. The Crown had never made war with her, but the war was brought on by an act of Parliament, which act of Parliament must necessarily be repealed. The present motion was therefore a necessary preliminary to the opening a door for a reconciliation. I maintain, continued Mr. Fox, that there is not one point in dispute between Great-Britain and America that can be settled by the Crown, without the consent of Parliament, not one point; so that the noble Lord's reserved points compre-

held all the points in question. The rebels in America were declared so by an act of Parliament; and through the whole course of the contest this position had been held, that against the authority of the British legislature they were contending; surely then it was not competent in the Crown to decide on the privileges of Parliament.

When the noble Lord contends that the King's servants have already as much power as is requisite for treating with America, I can assent to the declaration, says Mr. Fox, in one sense. I can assent, that the Crown has as much power as the servants of the Crown have will to treat and conclude peace with America; but that they have power is false. Did they not come to Parliament for power when they sent out the commissioners? and is not that authority which was granted for a limited time now expired, so that matters are exactly now as formerly? But the noble Lord chooses, on the present subject, to speak indefinitely. It is often inconvenient for the noble Lord to speak directly to matters of fact, or to answer such questions; and therefore he commonly amuses the House with general propositions; for there is not in the House, nor in the kingdom, a greater master of language than the present Chancellor of the Exchequer, or one who can make a better discourse upon any subject. If it were possible, said the honourable gentleman, for his Majesty's ministers to enter into a negociation with America, without knowing the mind of Parliament, it would be a mean and insidious artifice, and would induce the Americans to reject all terms, since they must know, that whatever terms ministers might offer, could not be binding without the sanction of the British legislature.

With regard to the opinion the ministry entertained of the present situation of affairs in America, whatever they might think some few years ago, sure he was, they did not in their own minds believe there was the least prospect of their now mending in our favour. The noble Lord in the blue ribbon, who talked so very fluently, and affected so much candour, would be put in a very awkward situation were he to be asked the question, for in answering it, he would be obliged to contradict facts which he had again and again asserted. As to the noble Lord, he was a man of experience; he was a man too naturally inclined to moderation and mildness. Whence then was he induced to be so strenuous a supporter of the American war? Whence was his inclination to that war deducible? He might put an answer in Lord North's mouth

mouth from an Italian poet, "My will to execute this deed is derived from him who has both the will and the power to execute it: *Piu lo demandare*. Ask no farther questions." The noble Lord, who sat near the first lord of the treasury, was, he observed, less accustomed to amuse his audience with general speeches, and therefore came more directly to facts. That noble Lord (Germaine) had said, that the American having once rejected the proffered terms of peace, had not any right to any others. Unconditional submission was therefore what he, and others equally sanguine, contended for. Their conduct and their sentiments were at least entitled to the praise of consistency; but the conduct of the noble Lord in the blue ribbon was at variance with his sentiment.

He would not say we were not likely to succeed in our enterprise against America, though the noble Lord knew it in his own heart that all our hopes were at an end. Yet we had of late met with many victories; we had London Gazettes Extraordinary; we had firing of guns, and we had illuminations all over the town. The honourable gentleman was exceedingly poignant in his animadversions on these kind of victories and rejoicings, and reminded the House of the great triumph ministry made when Charles-town was captured, though he had staked his reputation that such a conquest would never affect the American cause.

He then gave a narrative of the proceedings of ministry towards America since the year 1775: certain conciliatory propositions were then made to them, and the noble Lord, according to a French saying, paid with his person on that occasion; for he repeatedly had pledged his word, as a gentleman, that he would never agree to any proposal that might be made hereafter for granting the Americans better terms, and no doubt the personal declarations of a person of his lordship's birth, rank, abilities, and fortune, were objects of great regard; they were made on the occasion alluded to, lest the Americans should imagine, that by persevering in resistance they might obtain better conditions. But after all these declarations, his lordship had, in the year 1778, brought in a bill to Parliament, for enabling commissioners to propose the most extravagant terms to the Americans; terms by which they would have had the power of taxing England, while their own country would not have been taxed by the English Parliament.

He placed him in all the situations in which he had stood within the last seven years in that House; and said, that his versatility arose from motives highly unbecoming. The ministers found it necessary to protract the war, to avoid every tendency to pacification, because they knew that the American war was necessary to their continuance in power and place. They sacrificed honour and duty; they sacrificed the interests, and perhaps the existence, of their country to the temporary gratification of their avarice and their ambition, in the enjoyment of the places and honours which they now held, and which were so connected and interwoven with the American war as to depend upon its existence. The minister then knowing this fact, knowing that he lived, and must, die with the American war, had encountered shame and embraced it, in order to its continuance. He had been forced into all those vile measures of contradiction and absurdity which had brought infamy on the present age, and would bring ruin on posterity. There was no accounting for the credulity, the servility, and the meanness of Parliament, in either believing or submitting to receive all the monstrous and incredible stories which they had been told by the minister in any other way than by referring to the means which influence possessed; the emoluments of contracts and the profits of a loan. It had no doubt been the study of the minister to tell his friends, that their payment, like his own bread, depended on the American war. The American war begot extraordinaries; extraordinaries begot loans; loans begot douceurs; and douceurs begot members of Parliament; and members of Parliament again begot all these things. There was a mutual dependence among them absolutely inseparable. Thus the power and the security of ministers was generated by that war which was the ruin of the country.

If any one should ask the minister out of the House concerning the majorities he found, and he should be inclined to answer the question fairly and directly, he would immediately say, "Do not I give them an extravagant loan to divide amongst them?" With the King the minister was continually feeding the royal ear with a notion, that the instant he made peace with America his power would decrease. His Majesty was taught, and he was afraid too successfully taught, that power was preferable to popularity, that the former was a solid, a substantial, and permanent good, worthy the embrace of a monarch; while the latter was nothing more

more than an high, empty sounding name, full of nothing, and the mere glittering of the day.

These were the notions the present set of ministers were repeatedly infusing into the royal mind, impressing him with an opinion, that whenever the American war ended, his power would end also, when in fact it was their power only that would end. The power of the sovereign would know no period with the American war. It was grounded in the constitution, and would live and fall with it. With the members of Parliament the noble Lord held a language that was as easily to be guessed at.

Here he personated the minister conversing with some dependent member of Parliament, at his levee, on the subject of continuing the war; supposing that any remonstrances should be made on that score, what would the noble lord say? "Why, you know that this war is a matter of necessity, and not of choice; you see the difficulties to which I am driven, and to which I have reduced my country; and you know also, that in my own private character I am a lover of peace. For what reason then do I persist in spite of conviction? For your benefit alone! For you I have violated the most sacred engagements! for you rejected the suggestions of conscience and reason! for you a thousand times forfeited my honour and veracity in this business, and for you I must still persist! Without the American war I shall have no places, no emoluments to bestow, not a single loan to negotiate, nor shall I even be able to retain this poor situation of mine that I have thus long held most disinterestedly. You see me now in the most elevated situation, with the disposal of places, and pensions, and with the whole power of the nation in my hands, but make peace with America to-day, and to-morrow I shall be reduced to the level of private life, retaining nothing but what is merely personal of all my present advantages.

"If you do not vote with me, says the noble lord, against a peace with America, how am I to give you any thing. It is true, that my situation as minister is a respectable and elevated situation, but it is the American war that enables me to give you douceurs, and to put into your pockets eight or nine hundred thousand pounds by a loan. Put an end to that, and you undo all. My power will be miserably lessened, and your pay as miserably reduced. As to myself, why, I am perfectly indifferent about that; I get a little, and it is my happiness that a little, thank Heaven, contents me. I therefore cannot be supposed to care if a peace takes place with
America

America to-morrow, as far as I am personally concerned; but for your own sakes do not let such a thing come to pass. Nay, were I to go out of office, a situation I never courted, always disliked, and heartily wish to be rid of, still I hope the American war would be continued." Such pathetic reasoning could not fail having its effect; thus it was the noble lord induced members of that House to sacrifice the interests of their constituents, by proving that their own interests were essentially connected with the prosecution of the war. Was it impossible therefore that peace with America could ever be obtained but by a renunciation of that system which the present ministry had, with so much fortitude adhered to, and here was another obstacle arising from the noble lord's feelings. "O spare my beautiful system! he would cry; what! shall I part with that! with that which has been the glory of the present reign, which has extended the dominions, raised the reputation, and replenished the finances of my country. No, for God's sake, let this be adhered to, and do with all the rest what you please; deprive me if you please of this poor situation; take all my power, all my honour and consequence, but spare my beautiful system, O, spare my system!"

The honourable gentleman could not suppose any one amongst them, at this time of day, of so miserable an imbecility of nature as to think any thing could be done effectually against America. Yet the House appeared as much as ever inclined to prosecute the war, and upon the same ground as formerly. They, as well as the noble lord, were yet averse to peace. The noble lord had stated his veracity as the prosecution of it. Did any man dispute his intention of carrying it on. If any man could be so weak what would the noble lord himself say? Why, recollect I have appointed Lord Dunmore governor of Virginia. Good God! then, can you suppose I have a serious idea of peace, when I send out to that province a man as obnoxious as ever came from America.

The American war was continued upon the opinion of men whose interest it promoted. Mr. Galloway had told the House at their bar, that five-sixths of the people of America were in the interest of Great Britain, others had said nine-tenths; yet what had we been able to do, although those nine-tenths of the people had an army to assist them. If Mr. Galloway had told the honourable gentleman this he would have asked him what he did here? and why he was not with the friends of government in America? Ministers were so egregiously simple, perhaps, as to credit his report; but would

would any other man in his senses be of the same opinion? what, five-sixths of the people amicable, and yet not a blow struck in our behalf, not one visible symptom of loyalty through the continent? It was thus that the government of this country was abused by a set of men who lived on its credulity. A list of American refugees, receiving pensions, had lately been called for, and refused; it was politic in ministers to keep the list concealed, and not to inform the public what men they were supporting; at the same time, however, he must confess, that there was a description of American sufferers to whom the bounty of Parliament was well applied, he meant those who really had been martyrs to their principle, and been driven from the continent by an unfortunate attachment to the British government; any charitable donation to characters of this kind he should be the last to condemn, for however much he might differ from them in political opinion, he felt them entitled to a large share of compassion and some honour; like those, who from similar misguided attachments, have been compelled to drag out their lives at St. Germain's or Rome. But too many of those who were now pensioners on British generosity, as sufferers in the Colonies, were men who had once been most vehement in the American cause, and only left it when from some mistaken speculations they thought it on the decline; renegades of this class were now the chief favourites of administration, and were employed to write libels on characters the most unimpeachable of any in the kingdom. One of them had the singular audacity to vilify a near connection of his own, a lieutenant-colonel in America, representing him as a traitor to his country, and directly charging him with using his rank in the army for the purpose of carrying on a correspondence with the enemy. There were persons brought up in their country's service, labouring unremittingly for the public good, exposed to the venom of wretches paid by ministry for the calumny they circulated. It was in return for the part he had acted in Parliament, and his firm opposition to the American war, that the person alluded to was marked out, by the hireling pen of a refugee, as a proper object of detraction. He reprobated in most severe terms the authors of those calumnies, but said they were not so despicable as the men who employed or who believed them.

If any one had gone to the Pretender after his retreat from this country, and had told him that nine-tenths or even five-sixths of the people of England were for him, with a powerful

for army on the spot, ready to co-operate with them, and the King of France had been applied to for assistance, the honourable gentleman could not suppose that Louis XIV. would have been so egregiously stupid as to have given any, but that he would have replied,

“ If there are nine-tenths or even five-sixths of the people on the Pretender's side, and a numerous army to stand by them, there surely can be no occasion for me to send an army into England to put the Pretender on the throne.” This was the mode of reasoning that Louis would have used, and this was the mode of reasoning that a majority of the House of Commons ought to have used upon considering of Mr. Galloway's evidence.

After all, what had been the case? Had the British army yet effected any thing? If the ministry should be asked what sort of an army General Washington had, they would reply that his army were without clothing, that they had exhausted their provisions, had neither powder nor ammunition, and were nearly reduced to nothing. But if they were asked, what sort of troops Sir Henry Clinton had, the answer was uniformly the same. O! they were fine men every one of them; the very flower of the army; well fed and well clothed; furnished with magazines and all sorts of ammunition; in high spirits, flattered with the successes they had met with, and panting with a thirst of future glory.

If they were to be asked too, what sort of generals the British army had, the answer would be, that they were the best in the world, deeply experienced, and enterprising in their nature. And were the Americans so? O! no, their commanders were another sort of men, no military knowledge, no reputation, nor any skill to be found in any one of them. This was what the ministry would say; and yet, with all these facts, what had we done? Though the British army had been every thing that pride and valour could wish them; and though the American troops were every thing that could excite pity in an enemy, yet this very wretched army had not been subdued, but yet withstood, and bid defiance to this fine, formidable, and spirited British army, which had also nine-tenths of the people of America with them; so that it was really, at least, a matter of curiosity to know how it came about that the whole of the British troops, with nine-tenths of the people at their command, were awed and overpowered by only one-tenth of the people of America, and a wretched and dispirited army only to support them.

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With such experience then before them what could be the reason why the British Parliament still persisted in this war, and were so credulous as to be duped by such wretches as Galloway. It might with justice be done with respect to this, as it was often in books, where, instead of giving a long explanation, there was a marginal note on particular passages in which the reader was desired to "*Vide* such a book." So it might here be said, as a full and comprehensive explanation of all the servility and all the submission of Parliament, "*Vide* the loan." Why have the House followed the minister through all his contradictions, and why do they still support him in this war? "*Vide* the loan." Why do they stifle inquiry, prevent detection, and destroy the benefits of responsibility? "*Vide* the loan." It was a full answer to every thing that could be alledged against the Parliament in point of their servility and their acquiescence.

There were men who taught very pernicious doctrines, men surrounding the throne were anxious to insinuate that the power and prosperity of the Crown were distinct, and opposite to those of the subject. Such men alledged, and it was indeed a truth, that in war the power of the Crown is greater than it is in time of peace. But the power of the Crown, if not so great, was more glorious when it rested in times of peace and prosperity in the constitution and on the affections of the people. It was the virtues of the Sovereign, which by conciliating the esteem and grateful affection of his subjects, was the firmest foundation of his power. What cause had we now to hope that our arms would prove more successful in America hereafter than they had done formerly? Did ministers derive courage from the reports imported from Holland, of a second action between Lord Cornwallis and General Green, in which the former General had been victorious? We had had abundance of victories last year; we had been covered with laurels. The thanks of the House had been voted to different generals and admirals, to Lord Cornwallis, to Sir Henry Clinton, to Admiral Arbuthnot, to Rodney, and God knows whom! But what did all our victories avail?

After all, he did not see any reason to think it would be doing any good to carry the question before the House. It would, at best, be only adding more responsibility to the Crown, and give power where there was no will.

The noble lord in the blue ribbon could not, in fact, make peace with America. He dared not do any thing of the kind.

He had been a gentleman born, bred a man of honour, and had lived in such habits of life that precluded him from shewing himself after he had violated his word. What was the situation in which his Lordship stood?

In the year 1765, when his Lordship came to the House for the Conciliatory-bill, he explicitly and repeatedly declared, that further than that he never would go. Yet the very same Lord, this first Lord of the Treasury, the official Minister, had himself come down to the House in the year 1778, and moved for the bill which sent out Lord Cuthbert and the other commissioners to America, to make an offer to her of taxing herself. This the noble lord had done, the very same minister that had, upon passing the Conciliatory bill, affirmed, in order to get it passed, that he would never go beyond it. "Some gentlemen (said he) may object to the Conciliatory-bill, under a notion that I will come afterwards and move for something more, but in order to remove these scruples upon that head, I am a gentleman born, a man of honour, a great minister, in whom Parliament may confide, and I here pledge myself that I will not, upon the faith of my word, ever go farther than this conciliatory-bill."

This Lord, however, did himself, in the year 1768, go farther, and appoint a commission to give up the dependency of America. As to a peace with that country, the honourable gentleman did not think it at all probable this year, or the next, or this time seven years, or even fifty years hence, at the present it still continued. The noble lord did not dare to make peace, he had pledged himself to the House to bring the Americans upon their knees, and he had not courage enough to confess himself in a mistake.

The honourable gentleman very finely pictured the different and contradictory situations in which the ministry had stood. In the first outset of the American war, what was their argument? Shall we give up the trade of America? No, they could never think of that, the trade was too valuable to be lost, but when it was lost, their tone was changed, and then it was only taxation that we were fighting for.

Soon, however, trade and taxes were given up, and then the whole contest was about the dependency of America, which we were told was on no account to be yielded. Yet for all this, the independency of America must be granted. The honourable gentleman deplored that the war was to be prosecuted, that poor men were to be plundered of the earnings of their industry, and the rich abridged in the enjoyments of life.

life. He looked upon every tax imposed in consequence of the war as nothing less than a robbery of the public.

Lord Dunmore at first was said to have talked of nothing but submission: by and by he altered his tone, and said that the continent of America would never be recovered without the affections of the people; but that these would soon return, for the child would be glad to return to the parent. But his return to his government looked as if there were an intention not to conquer the Americans, for that seemed impossible, (the whole almost of that people entertaining the most fixed and rooted aversion to the British government) but to exterminate them: for, while there was a guinea in Britain, or a man to go for a soldier, there seemed to be a resolution to carry on the war, even until Britains and Americans should mutually fall by each others swords.

If the war, after all, was to be pursued, it would be a great satisfaction if either he, she, or they, as his honourable friend, Mr. Dunning, had on a former occasion called the advisers of the war, who recommended it, were to be sent to explain his, her, or their motives; for however admirable the noble lord in the blue ribbon might be in explaining things, it was as awkward with him as it was with other people, to explain a conduct that was not their own, but which they were obliged to adopt and pursue.

The honourable gentleman concluded this long and animated speech, with saying, that the American war would never end while the present system continued. But that the moment that system should be changed, the good of both countries would be consulted. He pronounced the American war to be as unjust in its principle and as absurd in its prosecution as it would be ruinous in its consequences, and that he therefore should vote for the question under consideration.

Sir H. Houghton said, that the abilities and eloquence of the ^{Sir H.} former speaker commanded the attention of the House even to ^{Houghton} a subject that was trite and beaten. For his own part, he had not such abilities as might enable him to a like indulgence; yet could he not be wholly silent when he heard some of the assertions of that honourable gentleman. Were there such wretches around the throne, as had been described by the honourable gentleman, men who ventured such doctrines as that the glory and prosperity of the people were not the glory and prosperity of the sovereign, he, for one, would not countenance or support such wretches. But assertions were not proofs, misfortunes were not crimes, surmises were not evidence, on which men could either act or forbear acting. Every
man.

man, he presumed, acted according to the evidence on the subject before him. For his part, relying on what appeared to him very respectable authority, he was persuaded, that a very great part, that a majority of the inhabitants of North-America were willing and desirous to return to obedience to the British government. Many of those corps that had been raised, with an intention, on the part of those who had given orders for raising them, that they should join the rebels, had, as soon as they were completed, come over to the British army; and every where in the southern provinces, corps were forming for the defence of the loyal inhabitants against the usurpations and tyranny of Congress. He was of opinion, on the whole, that the House could not agree to the present motion, unless they were ripe to say that they might safely withdraw the army from America. This, in his opinion, they could not do. For the army, that kept the American and French armies at bay, being removed, they would pour their fury against the West-India islands, or whatever part of the British empire they should think the most vulnerable.

Lord George Germaine. Lord *George Germaine* said, it was impossible for him to sit longer silent, and hear gentlemen calling upon ministers to put an end to the American war without suggesting, or even attempting to suggest, how the war was to be put an end to! To bring the American war to a conclusion, in a manner honourable for this country, must be the wish of every man, who had the least regard for the concerns of his fellow-subjects, the least regard for his own interest. Though gentlemen were extremely forward to recommend peace with America, they never attempted to suggest the means by which so desirable an object might be attained; they were ready to furnish the Crown with ample powers to treat; but not to point out in which way those powers might be exercised; yet the one would be useful, the other was entirely superfluous; for the present powers of the Crown, notwithstanding all the honourable gentleman had advanced, were extensive enough for concluding peace, were there a disposition in the Colonies to open a negotiation. He always had been of opinion, and still continued to be so, that the conciliatory bills no longer continued in force, nor could the propositions offered by our commissioners be now obligatory on Great Britain; for the other party not acceding to them, there could be no mutual convention to make them a permanent basis of treaty; but in this, as well as in all other cases, the one party not being bound, so neither could the other. He considered, therefore, that act of the legislature totally void, and that its operation had

had ceased with the return of the commissioners; but by the prohibitory-act itself, from which the honourable gentleman had argued that the legislature must be consulted in making peace, a clause was contained, giving sufficient powers to the Crown for every purpose of pacification; for it was enacted, "That his Majesty might, by his royal authority, declare any province, town, or district, returning to its allegiance, to be within his peace and protection; and that, from thenceforth, all restrictions, prohibitions, and penalties imposed thereon, should cease."—Under this act of Parliament, therefore, a peace might be concluded by the King alone, on any terms but those of independence; now he presumed it was not the meaning of the honourable gentleman who made the motion, that the Crown should be impowered to make America independent of the British government. Parliament could not yet be ripe for a concession like that, and if not, the bill moved for could give no powers to the Crown of which it was not already possessed.

The honourable gentleman had accused ministers of a wish to protract this war; an accusation, to credit which, it was necessary to believe that they were destitute of feeling, honour, principle, and common sense; for surely no man could have such a thirst for power, an ambition so very preposterous, as to be desirous of protracting a war attended with so much trouble and misfortune. The very calamities of the nation, so often urged against ministers, might in this case be their exculpation; for, he would repeat it again, that they must be abandoned in the extreme, and lost to every sense of honour, if they could wish to involve their country in ruin for the wretched advantage of retaining their places, and that too in this very troublesome conjuncture. But instead of this, he would presume to say, their sense of honour and integrity were as strong as those of any gentleman who opposed their measures, they had at least a right to have it admitted, that they had the honour of their country as much at heart as others, and that they had also an interest in the struggle. They had something to sacrifice or to save; they had a stake in the hedge; they had some property to lose as well the gentlemen on the other side of the House; their private fortunes were considerable, and in ruining the public they ruined themselves. If not therefore deterred by a sense of honour or principle, interest itself would restrain them from sacrificing the welfare of their country; and as they unquestionably thought that a peace with America was desirable, the opportunity of making it only, and not the will, was wanting.

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The honourable gentleman had ridiculed the idea of our having friends in America; but notwithstanding this, he still believed, as he had always done, that a great proportion of the inhabitants were inclined to a compromise with the mother country, on the ground of allegiance. But it was asked, why, if that loyal party are most numerous, do they not act openly in favour of this country? To this the answer was obvious; because the loyal inhabitants are unarmed, and the opposite party were armed, arrayed, disciplined, and in possession of the posts as well as the government of the country. It would surely not be denied, that a few men with arms in their hands, would be able to keep in submission far greater numbers unarmed and undisciplined; such was the danger of a man's even evincing the slightest disposition of attachment to the cause of allegiance, that numbers for no greater faults had been imprisoned, condemned, and executed. Could it then be expected, that men should give any manifestation of their loyalty at such eminent hazard of their lives; or could it be fairly inferred, that they were disloyally affected, because in such circumstances they were not active in our favour? It was evident, that without towns or entrenchments to receive and protect them, it would be madness for the best affected subjects in America to declare in our favour; and it should be observed, that the inhabitants had not towns or forts in every district, for they were so incumbered with woods, and intersected with rivers, that they were scattered diffusely over the country, often at great distances from any place of strength. Mean while they were narrowly watched by committees, which presided in every quarter, and narrowly inspected the conduct of those they deemed disaffected persons.

His Lordship next adverted to the honourable gentleman's invectives on Mr. Galloway. He could assure the House, that the gentleman alluded to was not the character represented; but had come over to our cause because he disapproved the claim of independency; he had concurred in every measure of America not inconsistent with her subordination to the Crown of Great-Britain, but as soon as she asserted her independence, had openly expressed his renunciation of the cause, refused a seat in Congress, and put himself under the protection of the commander in chief at New York; as far, therefore, as a man acting upon these principles, could deserve the good opinion of Parliament, Mr. Galloway was entitled to it.

His

His Lordship now defended administration from a charge adduced by Mr. Fox, that of their promoting the American war for the purpose of making the King absolute. In answer to this, he observed, that America first denied only her dependence on the legislature of this country, not in the least renouncing her allegiance to the Crown; she therefore wished to give his Majesty a power independent of Parliament, and it was that pretension which ministers resisted, in opposing her innovation. Surely then this conduct was incompatible with the arbitrary designs imputed to them by the honourable gentleman, for a troublesome contest might have been avoided, and the influence of the Crown advanced, by a mere acquiescence in the demands of the Colonies; in lieu of which, ministers dared to incur all the dangers and all the animosity consequent from opposing a powerful party, rather than abandon the rights of the legislature in favour of the prerogative.

Here his Lordship concluded, after professing, in very emphatic terms, that though he was ardently desirous of peace with America, yet if it could not be obtained without an admission of her independency, he for one would forego the blessings of peace, rather than give his vote for so degrading a concession.

Mr. *Burke* spoke in answer to Lord George Germaine for a considerable time with his usual animation and eloquence. He said there were but two orders of speakers that day, the country gentlemen and the ministers, and no less than the two principal of the latter had figured in that debate, and though we were now in the seventh year of the war, had presumed to stand up and to tell that House that the majority of the Americans were loyally inclined towards this country. If they were so, why was the fact to rest on the thread-bare assertion of the noble Lord, the secretary for the American department? An assertion which had been repeated again and again for seven years together, and yet the noble Lord had said, that the minority awed and governed the majority who were without arms; if this were true, and the fact were also true, which the House had so often heard, viz. that Washington's army were never, taking it at the largest allowance, above a few thousands; how came it that when we had not the minority, but the majority armed, that we had not long since put an end to the war? According to the story of ministry we had not only the majority unarmed, but also the majority armed; and yet the small, wretched, starving, and spiritless

less minority armed and unarmed had effectually withstood all our efforts, and were likely to withstand them.

After putting this very strongly, and talking for some time on the boasted superiority in point of numbers of the British forces in America over those of the rebels, Mr. Burke insisted upon it, that the noble Lord's argument relative to his Majesty's commissioners, having it in their power to declare those who returned to their allegiance, in the King's peace, was neither more nor less than a renewal of the argument made use of at the commencement of the war, when the noble Lord had insisted on unconditional submission. In order to prove this, Mr. Burke appealed to the understandings of every gentleman present, whether being in the King's peace did not mean a throwing down of arms, and a party's putting himself wholly at the mercy of his Majesty? And if that were admitted, (and who would be hardy enough to deny it, he was at a loss to imagine) surely the King's peace was synonymous with unconditional submission. For what were they to do before they could be intitled to the benefits of such a proclamation. They must throw down their arms; abandon all the principles of resistance; return to their allegiance; and all this they must do without any condition on the part of government; for until they have done all this, the Crown has not the power in consequence of this clause in the prohibitory-act to declare them to be at the King's peace. What then is the best unconditional submission in the most unlimited meaning of the phrase? and thus by the candid openness of the noble Lord, the House had at last heard it declared what was the system, and what the purpose of this war; that it was unconditional submission, and had been so all along. If they had at any time deviated in appearance from the pursuit of this object, it were only to pay court to the feelings of man, or like losing gamesters, who will play for any thing rather than give over; but that however, they might rove for a time, they always returned to this point, as the object of their ambition, and the mistress of their hope. He begged then that country gentlemen would be no longer deceived. He begged them to attend to the declaration of a minister, and learn what it was for which they were fighting. It was not for the supremacy of Parliament; it was not for national honour; it was not for a re-union upon liberal principles; it was not for revenue; it was for unconditional submission.

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With great severity he animadverted on Lord George's having said, "the ministers had as much to sacrifice as other gentlemen, they had their stake in the hedge." It was true, they had so; their places, the honours, their emoluments were their stakes? In fact, they wanted to demolish the hedge and the stakes of others; they surrounded their own stakes with the stakes of their neighbours; they exposed the latter to the danger, and were only anxious to save their own. In other words, they wanted to make up their own fortunes out of the ruins of their country; a ruin which they had brought on.

The American war, and the continuation of the ministers in office, went hand in hand; if the former was at an end the latter must infallibly lose those places which they presumed to consider as their stake. His Majesty's ministers, and the American war were like the porter's breech and the nose of *Taliacotius*. There was a sympathy between them, which rendered them constantly dependent on each other:

"When life of parent b—m is out,
"Off drop the sympathetic snout."

So, with the American war, must their places and their pensions very sympathetically expire. He pushed this droll simile something farther, and introduced the refugees who formed a part in the body of the war, and the very foulest part too, for they were to ministers what the porter was to *Taliacotius*, the breech out of which the nose was taken. The honourable gentleman seriously reproached ministers for the shameful system which they had pursued with respect to America, and he he loudly called upon the House to agree to the motion, by which ministers would be forced to do their duty.

Mr. *Welbore Ellis* said, the motion was at least entitled to Mr. *Walbers* so much praise, that it had been the cause of two most elegant *Ellis* and powerful Philippics against administration, the one delivered by the honourable gentleman who spoke last, the other by an honourable gentleman who had spoken earlier in the debate. Mr. *Ellis* said, he should oppose the motion as frivolous, and not likely to be attended with any good whatever; this assertion he supported by stating, that when the act for sending out commissioners was originally brought in, he was strongly against it, being convinced that it was merely sacrificing the honour and dignity of this country,

without the smallest possibility of producing the least advantage or benefit. At that time he did not oppose it, because the stream ran strongly in its favour. He had, however, submitted very reluctantly, and since the event of that act had turned out exactly as he had, at the time to which he alluded, thought it would turn out, he saw no reason for making a second experiment, which would only incur a second disgrace.

Mr. T.
Townshend.

Mr. T. Townshend said, if it was true, that two Philippics had been uttered against administration by his honourable friends, he would venture to say a third Philippic had likewise been delivered against ministers, and that was, the speech of the honourable gentleman who spoke last, which certainly, though different in form, stile, and manner, was as much a Philippic as the other two, and as severe a censure upon the conduct of the noble lord in the blue ribbon as he had ever heard in that House; for he had declared that sitting upon the Treasury-bench, as usual, he had seen the minister introduce, and carry through that House, with a high hand, a bill which he at the time foresaw would be idle, nugatory, and disgraceful. He begged it might be remembered that it was possible for that honourable gentleman to see such a bill go through the House without saying a word against it.

Mr. T. Townshend took occasion to animadvert on Mr. Galloway's conduct with great severity, declaring that of all the memories he ever had met with, he had never heard of or found so pliant and extraordinary a memory as that of Mr. Galloway. They had heard that gentleman at their bar point out hypothetically every military movement and manœuvre in the power of the ablest general to devise or execute, but when he came to answer questions of a more simple nature, and was asked how he voted on this occasion in Congress, and how he voted on another, Mr. Galloway's memory all of a sudden forsook him, and he could make no reply. In particular, when Mr. Galloway was asked, whether his pension was during pleasure or for life? it was more than he was able to answer. Mr. Townshend played with this idea for some time, and said, he did not believe, if the same question were put to any man who now received a pension from the minister, whether for services performed within that House or without doors, there would be the least demur.

At length the question was put, and the House divided;

Ayes	—	72
Noes	—	106

The order of the day being then read, for the House to take into their consideration the report of the committee on the Gold-bill,

Mr. *Eyre* rose, and in a short speech opposed the bill. His Mr. *Eyre*, chief arguments were, that it would open a door to various frauds, and in particular that it would operate as an incitement to melt guineas, since there would evidently result a profit of three-fourths per cent. upon melting the gold coin for the purpose of manufacture.

Lord *North* very candidly declared, he did not feel the full force of the honourable gentleman's arguments; but thought it worth while to inquire how far it was likely to operate in the manner stated with regard to the gold coin. His Lordship went into a minute and masterly detail of the whole subject, pointing out the difference between the Mint gold, which had an alloy of silver in it, and market gold, which was always alloyed with copper by the manufacturer. His Lordship concluded with declaring, that if the noble Lord who brought in the bill, could prove that the objection would not lie; and that all the alarm felt on account of the idea, that it would be an inducement to melt the gold coin, was merely imaginary, he should be for the bill; but if the objection was founded, and the alarm real, he should, notwithstanding the other obvious advantages held out by it, be against it.

Lord *Mahon* said, he would join issue with the noble Lord in the blue ribbon on the condition just stated. His Lordship then proceeded to answer the objection in three different ways, all tending to prove that it would not be for the interest of the manufacturer to melt the guinea.

Mr. Smith, jun. Lord Nugent, Mr. Sawbridge, and Mr. Hussey, took part in the debate; and at length the House divided:

Ayes	—	20
Noes	—	55

The bill was consequently lost.

May 31.

The *Attorney General* reminded the House, that after the late riots, an act passed for indemnifying goalers, in which there was a clause, by virtue whereof all those who should surrender themselves to the marshal of the King's Bench prison,

prison, or the warden of the Fleet, should be afterwards suffered to remain at large, and be protected from future arrests until the prisons should be ready to receive them. By that act, it was also provided, that when the above prisons should have been fitted up, and made ready for the reception of prisoners, a proclamation should issue to call upon them to surrender; which proclamation was to be obeyed within a certain number of days, and which he believed would shortly be issued. The security from arrests, and the hopes of qualifying themselves for the benefit of an insolvent-act, had induced a great number of persons to surrender in consequence of the above act, 4000 to the King's-Bench, and 2000 to the Fleet. It was impossible to make room for above one-fourth of these numbers; and as there were among them a great many persons who were truly deserving of compassion, so he was desirous to relieve them; but he wished also to confine the relief to those only; for he knew that a great number of persons had surrendered themselves merely in the hopes of being considered as prisoners, and thereby obtaining the benefit of the first act of insolvency: as their views were not honest, he was determined, if he could, to disappoint their hopes: the actions on which they had been arrested were friendly ones; and he was confident, that as soon as it should be known, that surrendering upon such actions would be of no avail, the courts below would hear no more about them: he was convinced that he was not deceived in his opinion about those actions; for he could say, from good authority, that many of them had been issued, and surrenders made upon them, all in the space of four hours: Now, as it was his intention to bring in a bill for the relief of debtors, so it was his intention to distinguish between the unfortunate and the fraudulent debtor, who had availed himself of an act that a public calamity had made necessary, in order to defraud his creditors; he therefore moved for leave to bring in a bill for the relief of insolvent debtors, arrested on or before the 7th of June, 1780. The motion passed without any opposition.

Lord Beauchamp.

Lord *Beauchamp* then moved, that the bill for amending the Marriage-act be committed; and the Speaker having left the chair,

Sir P. J. Clarke.

Sir *P. J. Clarke* wished to have one difficulty explained away. By the late decision in the Court of King's Bench, the parish which had disputed the legality of the pauper's marriage, had

had been freed from the expence of supporting him and his family; and the bill then in the committee, declaring children born in the same kind of wedlock to be legitimate, the parish would be obliged to maintain them, consequently would lose the benefit of the decision, obtained after much expence.

Lord *Beauchamp* said, that the difficulty had occurred to Lord *Beauchamp* him also; and that he saw but two ways of getting rid of *champ.* it, without burthening the parish; one was by excepting poor Theophilus Jones and his eleven children out of the provisions of the present bill, which he was convinced would shock the honourable gentleman's humanity; the other, by voting him or the parish a sum of public money; and that was a circumstance to which he imagined the honourable member would not consent; in a word, the expence the parish had been at in prosecuting the suit had been but about 30 or 40*l.* and to his knowledge the parish was large and opulent, and could very easily bear the charge.

Lord *Mabon* proposed to introduce a clause, by which, *Ld. Mabon* in future, it should be lawful and legal to consummate marriages in chapels as well as in parish churches.

Lord *Beauchamp* objected to this clause, principally because *Lord Beauchamp* he wished to see this bill clogged with as little new matter *champ.* as possible, in order that its immediate passing might not be prevented. This was necessary on account of the many instances of a similar nature to the present, which required the instant interference of the legislature.

If the noble lord's clause was inserted, and he should be obliged to go with the bill to the other House with that clause in it, he was sure (as the clause in question would affect the diocese of every bishop more or less) the bill would have to encounter the objections and animadversions of the whole Bench, and so much difficulty would arise, that in all probability the bill would not be passed this session; he advised the noble lord therefore to consult the bishops, who were the proper persons to be consulted on his clause; and, if they thought it advisable and proper to have the sanction of Parliament, to make it the subject of a new bill next sessions.

Mr. *Baker* gave strong reasons in favour of the clause. *Mr. Baker.*

The *Attorney-General* strenuously supported Lord *Beauchamp's* objection to the clause, and said it was the professed *The Attorney-General* purpose of the present bill not to meddle or interfere with the Marriage-act, whereas the noble lord's proposed clause virtually repealed that act, and could not fail to occasion the
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loss of the bill. He therefore advised the noble lord not to press it upon the committee.

Mr. Courteney
#2.

Mr. *Courteney*, in a strain of sarcastic irony, attacked the principle and tendency of the Marriage-act. He said, the noble lord's bill was evidently designed to counteract the spirit and intention of the legislature in framing the marriage act of George II. for by the strict construction of that act, which appeared by the late decision of the King's-bench, the legislature intended to prevent all hasty, inconsiderate, rash marriages; probably induced, by experience and wisdom, to counteract their fatal effects both on individuals and the public. Now, by the strict and legal construction of the Marriage-act, every man married in the chapels described in the noble lord's bill might legally get rid of his wife and children; which was undoubtedly the design and intention of those who framed the Marriage-act of George II. But this amending, explanatory bill, legalised all such marriage and obliged the husband to acknowledge his wife and maintain his children, however contrary to his own wishes and inclination. He strongly urged the duty of the House to reject the noble lord's bill, because the framers of the act of Geo. II. wisely threw as many obstacles as possible in the way of matrimony; and considering the miseries usually attending wedlock, the obvious purport of that act was judicious, salutary, and laudable. Some people indeed thought, that as population should be the great object of the legislature, matrimony should be always encouraged, and rendered open and facile to all ranks of people, especially in a free country, where it is not so necessary that hereditary vices and blemishes (mental and corporeal) should descend to the latest posterity. He declared, that no partiality or prejudice to his countrymen, who were supposed to have remedied many national defects among the great and noble families of England (by pouring new blood into the constitution) should ever induce him to adopt such dangerous principles, as it might be extremely proper for great families to confine the circulation of property to their own rank; for, if they once lost the consequence inseparable from riches, they could boast of no other qualification to distinguish them from the vulgar. He said, the noble lord's amending bill was a libel on the Marriage-act, and would bring it into disrespect and contempt; many he knew condemned it; and Scotland boasted, that by opening her hospitable arms to crown the wishes of the panting amorous couples, she checked the tyranny of the

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marriage act (that foe to virtue and population) as she had before checked the progress of the Romans, in their attempt to reduce and enslave every part of Britain. He then, in the same strain, paid some compliments to Lord Beauchamp, and said, however erroneously he acted, he was sure his intentions were good; the noble lord he added, was induced to make this direct attack on the Marriage-act by considering it as not congenial with the principles of our free and glorious constitution; he might think, perhaps, that a mixture of ranks by the virtuous, legal, and honourable tie of wedlock, was more consonant to the spirit of our government and genius of the people. The noble lord might think, that a union between the sexes, a legal and virtuous union, should be encouraged, instead of being restrained by the representatives of the people; that licences should be easily procured; that the parson should be always ready; and that,

Noëles atque dies, pates atri janua diis,

would be no improper poetry for a wedding ring. The noble lord might think,

Far other maxims formed our state,
All others mixed of low and great,
Compose th' harmonious frame;
Firm hath the mighty fabric stood,
And Britain boasts her mingled blood
In many a deathless name.

Thinking in this manner the noble lord had intended to act in contradiction to the wise tyranny and prudent oppression of aristocratical pride and avarice. His Lordship might be in the right; but, as it was contrary to the measures of Parliament, which surely must be wise, he did not believe that the House would agree to it.

[Here Mr. Courtney was called to order by the chairman and other members.]

Lord *Mabon* said such arguments had something so ludicrous in them, something so different from what ought to be the serious temper of Parliament, that he did not choose to answer them, nor ever would offer a reply to men, who, upon the most serious subjects, turned everything into jest and ridicule. His Lordship proceeded to argue in support of his cause, but declared that such were his good wishes towards the noble lord's bill, that sooner than endanger its success in the

the other House, he would even forego pressing his clause upon the committee.

The bill at length passed the committee.

The order of the day for going into a committee on the commission of accounts bill was then read. On the question for leaving the chair, Lord North moved, "That it be an instruction to the said committee, that they have power to receive a clause, or clauses, for referring to the consideration and examination of the commissioners, the several accounts of extraordinary services incurred and not provided for by Parliament, which have been laid before this House, since the first day of January, 1776."

Col. Barré. Colonel *Barré* rose, and said he had been given to understand that the noble lord intended to excuse himself from keeping his promise, with respect to the moving an instruction that the commissioners be directed to turn their attention to the accounts of the army extraordinaries, and that an account of the commissioners having already examined several of the sub-accountants now in England, of whom, in the common phrase, they could make neither head nor tail. The Colonel after expressing his surprise at the noble lord's having changed his intended mode of proceeding, complimented the present commissioners, and declared that they had very great merit. Their reports in particular were drawn up with a clearness of expression, a propriety and simplicity of language and style that was most admirably adapted to the subject. But with all his respect for the commissioners, and though he considered them as very worthy and able men, yet he could not by any means agree that they ought to be employed in this business. The noble lord was highly blameable in suffering them to proceed in a business which he well knew they could not do any good with. Ought they to be embarrassed with an inquiry into the expenditure of bat money, marching-money, and other military *minutiae*, below the notice of a commission of accounts. He reprehended the noble lord for having expressed his amazement at the largeness of the amount of the extraordinaries, and yet at the same time declared that no body was to blame. He pointed out the amount of the charge for provision for the army in America, in the years 1776, 1777, 1778, 1779 and 1780, shewing that although we had in fact as large an army there the second year of the war as at present, the amount was at first in 1776, but between 3 and 400,000l. whereas in 1780 it was 900,000l. and upwards; more than double the amount
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of the charge for 1777 and 1778 put together. He said that there was no method of ascertaining the real number of the army but by looking at the stoppages, and it was from this that he spoke, and could assert with truth, that there were fewer men employed now than formerly although the expence was greater. He advised that the account of the eight millions that had been sent to America should not be referred to the commissioners. They could not investigate the secret impositions and the frauds of that account, but it would take responsibility from ministers without elucidating the account or satisfying the public. He particularly desired to know when that eight millions would be accounted for. No person was so fit to give an account of those extraordinaries and be responsible to the House as the first lord of the Treasury, because no person had it so much in his power to force the servants of the Crown to make up their accounts, and answer for the expenditure and application of the money. It would be a much more profitable employment if they were to be confined in the first place to an inquiry into the contracts made at home for supplying the foreign troops. If any other mode was pursued he should consider it as an attempt to sacrifice the commissioners, and to delude the public. He moved an amendment to the instruction, by adding words to this effect, and particularly for inserting the word, "immediately."

Lord North rose, and answered the Colonel. He declared that the Colonel had mistaken him; he had never said that nobody was to blame; what he had said was this, the extraordinaries of the army amounted to a sum which astonished him, but that he would not impute blame to any man. The enormous amount of the extraordinaries was ground of suspicion and consequently of inquiry; but God forbid that he should possess so unjust a mind as to impute blame to any man, before it had been proved that he deserved it. Other gentlemen might be less scrupulous, he hoped he never should. With regard to the embarrassing the commissioners of accounts with an inquiry into bat-money, marching-money, or any other trifling articles of military expenditure, he had no such intention; but why should the commissioners be limited at all? Surely they had proved their judgment, their integrity, and their ability sufficiently, to be entitled to act as their own discretion should direct. He did not doubt, if the matter was left at large, without limitation, the commissioners who had already given such satisfaction to the

House, would continue to act in a manner equally satisfactory. With respect to the word "immediately" he had not inserted that, because it would be going counter to the original intention of the bill, which was, that the commissioners should first inquire what balances were in the hands of public accountants, and could most speedily be paid into the Exchequer. That part of their duty they had not finished, and they desired to get through it before they proceeded to any other. The honourable gentleman had asked, when were the eight millions to be accounted for? In answer, he must reply, when the army accounts were made up and passed, which might not be till the end of the war? (This occasioned a laugh). His Lordship said, he was not aware that he had said any thing ridiculous; and after some other observations, he concluded with a declaration, that he should oppose the amendment.

General
Burgoyne.

General *Burgoyne* rose, to exculpate general officers from the charge of being tardy in getting ready their accounts for settling. The General declared, that the day after he landed in 1778 he sent word to the Treasury, that he was ready to settle his accounts immediately; but they were not yet passed. He said, farther, that a sub-accountant, with whom he had made a contract greatly in favour of the public, had been in town ever since, till the last week, when he went abroad; but before he went, he came to him, and said, he hoped he would not take it amiss, but if his accounts were not speedily settled, he should be under the necessity of commencing a suit against him for six and thirty thousand pounds.

Lord North.

Lord *North* explained this, by stating that the Treasury had taken infinite pains to settle the claim in question; but the fact was, there was a difference between them and the Auditor of the Imprest, they not agreeing together with regard to the fairness of the amount of the claim.

Mr. Boulby.

Mr. *Boulby* confirmed what his Lordship had said, and declared, that the cause of contention was, the claimant insisting on the full completion of his whole contract, whereas it was thought that he had a right to be paid only up to the convention at Saratoga.

Mr. Burke.

Mr. *Burke* was extremely witty at the expence of the noble lord in the blue ribbon. He begged his pardon for laughing, but he had mistaken his serious assertion, that the army accounts would be known as to their amount, when they were passed and settled, for a very good joke; it reminded him of the old line, *Certum est, quod certum reddi potest*. From this he went to the explanation, which the noble lord had given

relative

relative to the difference between the Auditor of the Imprest and the Treasury, and was remarkably pleasant upon it. He allowed that the nation was ruined in the most methodical manner possible: *secundum artem*. Every separate portion of ruin was done by the proper officer, from the first lord of the Treasury down to the lowest runner of the ministry. But here the dispute was between lord North as Chancellor of the Exchequer and lord North as First Lord of the Treasury. These two great ministers in the person of one great man could not agree. They differed in their sentiments about the settling of an account, the public could not by intreaty or remonstrance procure a satisfactory knowledge of the application of their money. He smiled at the thought that the Chancellor of the Exchequer and First Lord of the Treasury, who ought to have power to command those in inferior stations to do their duty, should declare to that House that he had not, or did not exert that power. The noble lord had at length, from his own mouth, convinced him of what he had long very strongly suspected, that a proper exertion was not used when and where it ought; and that there was a difference of opinion about the matter in the proper offices. There was great good sense, propriety, and policy in his honourable friend's motion, but yet he said, he was perfectly sure that House would reject it; and that, because the majority had received proper reasons for so doing from the proper officer. It was very whimsical too that more money should be required when a less number of men were employed. But he supposed the noble lord kept in mind the old saying, "that an Englishman would fight best with a full belly;" and therefore, though we had not quite so many effective soldiers, yet they were all effective eaters, and they ought to be well fed, whereby one Englishman might be enabled to cope with two of the enemy. He mentioned the trivial objects of the inquiry, submitted to the commissioners of accounts, while Harley and Drummond's account lay unthought of in the Treasury. He wished to see the time come,

When Guiscard's knife was marked on Harley's gold,
and longed for the opening of the Harleian miscellany.

The *Lord Advocate* said, the honourable gentleman must excuse him, but he could not help saying, he had made use of a great many words, and had scarcely said any thing to the motion and amendment in question. The *Lord Advocate* shortly assigned his reasons for voting against the latter, and in support of the former. He said the amendment was perfectly useless, as it tended to do no more than the motion.

Mr. W.
Hartley.

Mr. W. Hartley spoke in favour of the amendment.

On the question being put, the amendment was rejected, and the original motion carried without a division.

Col. Barré.

Colonel Barré now called the attention of the House to an instruction which he wished to move, and which he had intimated to the House before, by which he had in view to rescue the House of Commons from the ignominy and the shame of abandoning their duty, and delegating a trust which was invested in their hands by the most sacred of all engagements, that of the constitution. They were sent to that House for the express purpose of guarding the property of their constituents, the people of England, and of superintending, checking, and controuling the public revenue. They could not abandon nor delegate this trust. They could not place it in hands unauthorized by the constituent body. It was an inherent obligation entailed upon them by the nature of their appointment, and could neither be alienated for ever nor delegated for a time. But this the House of Commons and the Parliament had done, and he was anxious to move the present House of Commons to a proper sense of their duty, that they might correct the error and reprove the crime of their predecessors. He warmly attacked lord North, on different grounds; in particular, he charged him with having told the House, that the only proposition that went towards a plan of reformation, which the Commissioners had ventured to make in their reports, was impracticable. So that whatever good was proposed to be derived from this commission, was to be defeated by the minister when it opposed his destructive system of influence. He said, difficulties had arisen to the present commissioners, which would not have been the case had the commissioners been members of Parliament; in particular, the difference of opinion between them and the commissioners of the navy would never have occurred. He next reprehended Lord North for taking all the business of that House into his own hands, and said, that he had not only nominated the present commissioners, but had also nominated the secret committee to inquire into the affairs of the Carnatic. He declared likewise, that it was universally said, that two of the present commissioners, Sir Guy Carleton and Mr. Pigot, had desired to retire, and to act as commissioners no longer; for which, as well as other reasons, he pressed it home to the House to resume their right, and no longer to suffer the public to be robbed, without their doing their duty, and proceeding to search out the robbers, and after due examination, to drag them to public justice. He concluded with moving, "That

it be an instruction to the said committee, that they have power to make provision in the said bill for removing the commissioners named by the said act; and for substituting other commissioners in their stead, who are members of the House of Commons."

Lord North said, his ideas and his opinion as to the propriety and advantage of having the commissioners of accounts employed under the bill, at present in force, to be gentlemen out of Parliament, had so often been explained to the House in the last session, and were so generally known, that it was unnecessary for him to go much at length into an answer to the objections that had that day been stated by the honourable gentleman who made the motion then before the House. The honourable gentleman had talked of the various modes of election, and had even questioned the fairest and most impartial mode that could possibly be devised, by saying that the secret committee appointed to examine into the state of the disasters in the Carnatic had been chosen at his nomination. Every body knew, that the committee in question were chosen by ballot; the assertion, therefore, of the honourable gentleman went rather to accuse the majority of the House, than to charge him with having made a nomination, which the Journals shewed most incontrovertibly to have been the nomination of the House of Commons. But it had been said, "that it would be more satisfactory, even for the noble lord, to nominate commissioners of accounts from among the members of that House, than for gentlemen, who were not in Parliament, to be continued as commissioners under the present bill." In answer to this he must say, that the noble lord, he was sure, if the commissioners were to be chosen from the members of that House, would not wish to have the nomination of them. And one great reason why he preferred gentlemen out of the House was, that the House might have the nomination of them; by which all ideas and suspicion of connection might be removed; and all possibility also of their being appointed for the purpose of influence. The honourable gentleman had also charged him with having said, that the alteration proposed by the commissioners of accounts in one of their reports, with regard to the manner of keeping the accounts of the navy, and with regard to the future conduct of treasurers of the navy, was impracticable. He had said no such thing; the honourable gentleman, probably from a misapprehension of them, had mistated his words. What he had said was this; that on receiving the report of the commissioners, the Lords of the Treasury had paid immediate attention to it, and had taken a great deal of pains to inquire by what means the ideas

of the commissioners of accounts might be best carried into execution. With this view they had sent for the Commissioners of the Navy Board, had consulted them upon the subject, and after the commissioners had taken time to consider upon it, they had declared that the plan was impracticable. Exactly in this manner had he stated the matter to the House, while in a committee on the reports of the Commissioners of Accounts; and he had expressly said, at the time, that he did not pronounce the plan impracticable, but that the Navy Board had; and that sometimes the certainty of finding considerable difficulty in the way, made men think that impracticable, which, strictly speaking, if attempted with spirit, and followed up with perseverance, would be found to be otherwise. He now repeated, that perhaps this would be found to be the case in the instance alluded to, but the objection that had been stated by the Commissioners of the Navy Board was a sufficient inducement for him to decline proposing the alteration suggested, by introducing any clause for that purpose in the present bill. And indeed he could not but observe that the animadversion that had been made on this account, was far from civil with regard to the commissioners of the navy, who were men of known character and tried integrity; men who were as anxious to promote the public service as the honourable gentleman, and who had on many occasions distinguished themselves equally by their zeal and their ability in office. He was at a loss to imagine how the commissioners, being members of Parliament, would have prevented this difference of opinion. The present commissioners of accounts had ample powers to examine on oath, and how they pleased; and if their present powers were not sufficient, he should have no objection to enlarge them. The fact however was, that the Lords of the Treasury, who had treated with the navy-board, were all members of Parliament, and therefore the whole argument on this point fell to the ground.

The noble Lord confessed the very great importance of the trust which the House of Commons delegated, and the benefits or the injuries that were likely to flow from the wisdom or the folly of their conduct in this respect. But he acknowledged, for his own part, that he saw no reason nor argument for wishing that the commissioners should be members of that House, in preference to those gentlemen who had, with so much credit to themselves, and so much advantage to their country, acted under this commission for the last twelve months. There were many reasons why the same gentlemen

gentlemen should be preferred. They had, in the first instance, discharged the great and important trust reposed in them with the utmost fidelity, and not only to the satisfaction, but with the applause of men of all descriptions. Was it because they had so acted, and because their labours had been productive of so much benefit, and attended with so much praise, that they were now to be dismissed? Whatever reasons he might have had in the last session, when this commission was originally instituted, for preferring those gentlemen, he now had additional cause for preference; he had the argument of experience, he had the argument of benefit to urge him to continue them. He had another consideration. They had entered into the habits of the business; they had surmounted the difficulties and delays which they found on entering into the task, (and which gentlemen would remember were not few nor immaterial, and which must be felt and undergone by new commissioners, whether they were or were not members of that House,) and the facility which they had now acquired, by the progress which they had made. These were inducements which no doubt gentlemen would feel and acknowledge, when they reflected how necessary dispatch was in the business on which they were about to enter. All the experience that they had acquired must be lost. All the previous embarrassments must again be suffered, if a new set of commissioners were appointed. All the original members we could not have. Mr. Tiernay was no more; but the attendance which he had given had not been long, on account of his health; and the attention which had been given by the other five, had rendered his loss less material to the public than it otherways would have been. Two of the commissioners, it was said, had expressed an inclination to retire; Sir Guy Carleton and Mr. Pigot. It was undoubtedly true, that when it was mentioned that this inquiry into the extraordinaries was intended to be referred to them, these gentlemen expressed such an inclination; Sir Guy on account of his health; and Mr. Pigot on account of business. But he was happy to say, that he was authorised to declare, that those gentlemen, from the zeal which they had for the service, had determined to continue their attendance, their desire of being useful getting the better of every other consideration. As the business had, for the greatest part of the time, been executed by the five commissioners, he did not mean to propose a sixth gentleman in the room of Mr. Tiernay. He believed, that no sound objection could be made to the continuance of a commission of gentlemen.

gentlemen out of Parliament, when it was composed of men so able, so virtuous, and so independent, as those of whom we had had the experience; especially when it was remembered, that they only gave their reports, and that Parliament was left to the free exercise of their undoubted right and power, ultimately to check and controul the expenditure of the public money. They delegated only the examination, and not the trust. They were not bound to agree or to act in obedience to the reports of the commissioners. They were to use their discretion, and take only the benefit of their salutary assistance, without being dictated to or commanded in any degree. For those reasons he should vote against the motion for the proposed instruction.

The hon.
William
Pitt.

The honourable *William Pitt* rose next to make his second essay of parliamentary elocution in reply to his Lordship. The House received him with all that silent attention which his former display of abilities, and the recollection of his illustrious descent could not fail to command; a respect that was soon overpaid by eloquence the most persuasive and elegant. He said, it was so universally admitted on general principles of theory, that the House could not constitutionally delegate any of its powers and privileges, that he wondered that any gentleman should hesitate upon a question of so important a nature for a single moment; for what was the matter in dispute at present? No less than, whether that House should forego and delegate into other hands that most essential of all the various privileges with which it was invested by the constitution, the privilege of redressing the grievances and alleviating the burthens of the people! The people had called upon them to examine into the expences of the war, to see if they could find a system of reformation and œconomy, and if they could, to take care that it was immediately adopted and closely adhered to for the future; this was a duty, which even undirected, they were bound to perform; but it was a duty which they not only had uniformly neglected to discharge, but were now going to appoint others to do for them. It was the peculiar duty of that House to watch, examine and correct the expenditure of the public money. He conceived the proposed delegation to be an absolute surrender of that most invaluable right with which they were invested by their constituents, and for which in particular they were appointed. What was it that gave the House of Commons their importance in the legislature, their respect, and their authority; what, but the power of the purse, every branch of the legislature had something peculiar to distinguish and

to characterise it, and that which at once gave the character and elevation of the Commons House of Parliament, was that they held the strings of the national purse, and were intrusted with the great important power, first of granting the money, and then of correcting the expenditure. To delegate this right then he considered as a violation of what gave them their chief consequence in the legislature, and what, above all other privileges, they could not surrender nor delegate without a violent breach of the constitution. The noble lord had told them, that in agreeing to the present bill and continuing the commission of accounts, they at least shewed themselves not inattentive to the wishes of their constituents, because a commission of accounts was clearly calculated to throw light upon the matters desired to be inquired into; and in answer to the objection, grounded on the circumstance that the commissioners acting under the present commission, were not members of Parliament, and consequently that such a commission did not import in any degree, a compliance with the wishes of the people, the plain language of which was, that the House would themselves inquire into and redress their grievances. The noble lord was fully impressed with the importance of this commission, he admitted its proper execution to be essential for the public interest, and that the salvation of the state depended upon it; yet he called upon the constitutional guardians of the people to commit into the hands of others, a trust so unspeakably consequential, and be mere spectators of an inquiry which was to decide upon the fate of their country. The noble lord had said, that the present commissioners of accounts were merely to inquire, examine, and report, and that it was reserved for Parliament to judge, to determine, and to act; that the final deliberation was reserved to them, and they had the power to reject such measures, proposed by the commissioners, as they might deem inconsistent with the public welfare. How humiliating, how miserable a picture of parliamentary power was this! So then all the power of Parliament, with respect to the alleviation of national burthens, the redress of grievances, the reform of expence, the œconomy, the system, the elucidation of office, was sunk into a disgraceful negative. One positive power indeed, an odious power remained, the power of taxing the people whenever he noble lord thought proper. The power of making them y for the noble lord's wild schemes and lavish corruption. any plan was formed and suggested by which thousands ight be saved, by which the expenditure might be simplified,

fied, the influence of the Crown diminished, and the responsibility of ministers be more clearly established; by which the engine of government might be relieved from that load of machinery which rendered its movements so slow, so intricate, and so confused; then the House of Commons possessed only the power of putting a negative upon every such proposition. The power of oppressing and burthening the people, therefore was the only parliamentary power that remained positive and active, while the power of doing good, and of relieving the distresses of the subject, was merely negative. He had often heard that the Crown had a constitutional power of putting a negative on the acts of the Commons, but he had never before heard that the Commons had the power to put a negative on the wishes of the people, when those wishes tended towards the establishment of a plan of reformation. He was almost going to say, he could hardly have imagined that the noble lord would have ventured to assert as much; perfectly sure he was, that no man else would have dared to have suggested even an opinion that approached towards such a position.

What then were the arguments on which the noble lord had rested the vindication of the House for such scandalous inattention to their business.

The noble lord had talked a great deal of the experience of the present commissioners, and had said every thing in their praise, that the most elaborate panegyrist could have uttered; he had collected their eulogy from all sides of the House, and had poured forth a profusion of compliments on their wonderful efforts, and the great and successful effects of their inquiry. Without designing to detract in the least from their real merit, it was perfectly fair, he conceived, to examine a little what were the mighty benefits deduced to the public from the acknowledged industry of these commissioners? Theoretical principles, he was ready to admit, must sometimes be suffered to give way for the sake of practical advantages, but then the first ought never to be departed from, but in cases, where there was almost a moral certainty that the second were within reach, and would be attained. In the present case the commissioners had examined into, and stated in their reports the amount of several balances in the hands of several public accountants; in doing this, the noble lord would not, he trusted, venture to say that they had done any more than a commission filled by members of that House was competent to perform. In his opinion, nothing could be
more

more degrading to Parliament than such an idea; for, by the nature of his duty, every representative of the people should be capable of examining how their money was expended. But were not many of them in fact versed in the business of public accounts? In one of their reports, however, they had come a little nearer to a compliance with the prayers of the people, and had gone so far as to point out with great humility and great deference, an alteration that seemed to them likely to be attended with advantage to the people, by a more economical regulation of office. What did the noble lord in that case? He put a negative upon it, and that not by any parliamentary proceeding; he did not even allow them the exercise of that power of judging and of acting, of which he had said so much, but he took upon himself to negative the proposition of those commissioners of accounts, in whose praise he had been so lavish, and to tell Parliament, that although the commissioners had pointed out the inconvenience, and even suggested a remedy, that he did not mean to attend to the one or adopt the other, because he had been told by a great Board that the alteration proposed was impracticable. So that the noble lord had disregarded the report of the commissioners, a report delivered in upon oath, and having all the facts stated in it ascertained upon the oaths of a variety of witnesses, and had preferred the loose conversation of a public Board, suffering them to become the unsworn witnesses in their own cause. He had not the smallest objection to the Board of Treasury's conferring with the Navy Board, or any other, but it was a little extraordinary, that the noble lord should have assigned it, as a reason for not adopting the regulation proposed, and for not even giving Parliament an opportunity of putting its own negative upon it, that he had been told it was impracticable by the very Board likely to be affected by the alteration.

Such was the distressed situation of this country at present, that he was aware mere forms, and even those, which were the most dear, most essential, and most valuable forms of Parliament, must be foregone for the sake of immediate and essential public ease, satisfaction, and benefit; he therefore, much as he disliked the idea of continuing the present commissioners, in preference to members of that House, so far differed from his honourable friends, that he was ready to vote for the present bill, even under the noble lord's limitation of it, provided that immediate ease, satisfaction and be-

ness, would result from it to the public; but was this likely to be the case? Let the noble lord, and let the House remember, that it was on the noble lord's solemnly pledging himself that the extraordinaries of the army should be submitted to the inquiry of the commissioners of accounts immediately that the debate on that immense claim for the present year had been given up. If therefore the noble lord now went back from his promise, if he shifted the matter, and did not fulfil what he had pledged himself to perform, all the world must see that the noble lord had cheated and ensnared the House with false hopes, and hypocritically deluded them out of that full and scrupulous discussion and inquiry into the extraordinaries of the army which a subject of such great importance undoubtedly called for, and would have met with. But the noble lord having pretended, that he himself was astonished at their enormous amount, and having pledged himself, that the commissioners should be instructed to inquire into the cause of it immediately, the House had confidence in his promise, and dropped, or least suspended the investigation. What was it that had carried the noble lord through the present session but the promise of the reformation which the commissioners of accounts were to effect? and what hopes were there of their doing any good under the present circumstances of the commission? The noble lord has said, the reason why he was not willing to accede to the proposition, to insert the word "immediately," moved in the preceding debate by his honourable friend, was this: because they had not yet gone through that ground of inquiry they had begun upon, a ground of inquiry extremely narrow of itself, and which he could not but suspect had been studiously laid down by the original bill, as the object to which the commissioners were first to direct their attention, by which Parliament and the people would be diverted and silenced. And here he must remark, and he verily believed it, on his credit, his honour, and his conscience, that the noble lord meant and designed, that the commissioners should spend their time in inquiring into trifles, without going into an examination of any great, extensive, and important object, the better to continue the deception, and to carry on the hypocrisy and deceit that had already led that House into so many votes disgraceful to themselves and ruinous to the public.

The noble lord, affecting more than common modesty. Mr. Pitt observed, had spoken in the third person, "the noble lord, he was sure, if the commissioners were to be chosen from

from among the members of that House, would not wish to have the nomination of them." This was a singular remark from a minister who had named every one of the present commissioners; but, perhaps, it had some truth in it. Indeed he would do the noble lord so much justice as to declare, that if his honourable friend's motion was carried, and it was agreed that the commissioners to act under the new bill, were to be chosen from among the members of that House, by ballot, he did not believe the noble lord would interfere, and make up a list of names, who on all occasions were found among his followers. Such a measure would be too palpable, and too gross a mockery of all justice, and all fairness, for the noble lord to venture; it would be at the same time too shameful an avowal of influence for the noble lord's tools to submit to, pliant and accommodable as they were, and too gross even for the profligate impudence of his adherents to defend. The noble lord, therefore, might safely adopt the proposition, and might rest assured, he would not be accused of having used the influence of his situation to procure a partial ballot.

The present commissioners were said to be experienced, because they had already executed some part of their business, and made very accurate reports; but it should be remembered, that the inquiry they had hitherto made, was of a nature quite different from that on which they were now to enter. As yet they had only examined into the receipts of the Exchequer and other branches of public accounts, which were recommended to their attention by the Board of Treasury as primary objects, when the commission was first instituted, and which were undoubtedly very simple; but those greater and more general objects of reformation, for which a commission of accounts was first proposed, had not been touched upon. In every future branch of the business, therefore, they were intire novices, except in one article of the first class that still remained to be examined; they had still to determine how much current cash should remain with the paymaster-general; but there was time enough for an inquiry of that kind before the expiration of the former act, and another report might still be received this session. In what, then, as to the grand objects of reformation, were those gentlemen better qualified for commissioners than members of of that House? Not, surely, by their former habit of life! No one could respect their characters more than himself; but what were their former avocations? One was Sir Guy Carleton, an officer of distinguished merit; but
military

military and numerical talents were not necessarily connected : another, Mr. Pigot, was young in a profession to which he could not be thought an enemy, but he could not admit that it qualified gentlemen for a commission of this kind ; added to these, there were Masters of Chancery ; in short, men of almost every description, but of that peculiar description which belonged to members of that House, viz. men accustomed to transacting national business.

Another argument used by the noble lord was this, that a delay having occurred in the initiation of this business, it would be again retarded, by changing its conductors ; for the delay had not arisen from any official neglect of the Treasury : no, that was impossible ; they could never think of obstructing an inquiry into national expenditures. But here his former answer would apply ; the future subject of inquiry differing essentially from the past, if preparation was necessary, it would be equally so to the old as to the new commissioners ; for the former would of course deliver over to their successors all papers and articles of undigested evidence now in their possession.

The noble lord had admitted, that it was true Sir Guy Carleton and Mr. Pigot had desired to retire, and that for the reasons before stated ; but that such was their good wishes, such their zeal to serve the public, from a consciousness of the good that had arisen, and of the greater degree of good that might arise from their prosecution of their labours as commissioners, that they had determined to give up every personal consideration, and continue to act under the renewed commission. The plain English of this argument, Mr. Pitt said, was, that Sir Guy Carleton had determined to have no more ill-health, and that Mr. Pigot was determined to have no more business. For this, ridiculous and absurd as it was, was the only rational interpretation that could be put on the noble lord's words. Again, the noble lord had boasted greatly of the experience of the present commissioners, and had said, that no persons could be equally capable of discharging the duty of commissioners with those who had been tried, who had been found able, and who had given proof of their talents, their assiduity, and their integrity. He admitted that they were men able, industrious, and honest ; that their reports were clear, and their attention indefatigable. But as to their superior abilities and assiduity ; without his selecting any of those gentlemen, whom he had the happiness to see round him, surely it would be no very difficult matter to find six gentlemen

gentlemen on either side of the House, to the full, as able, as prompt, as industrious, and as honest, as the present commissioners of accounts had shewn themselves.

Mr. Pitt asked whether there would not be more dignity, as well as more power, in a commission of accounts filled by Members of Parliament than men of heterogeneous professions, almost inaccessible from their place of meeting, as they sat in a commission filled by scarcely any person knew whom, or where?

After a variety of particular arguments, all strongly applicable to what Lord North had suggested, Mr. Pitt resumed his general argument, as well on the propriety and the necessity of reformation as on the duty of the House, to listen to the voice of the people, and do something more than follow the noble lord in every proposition he offered, let it be good or bad, solid or superficial, politic or impolitic. He earnestly conjured them to use their own eyes, and to consult their own understandings; to return to a sense of their duty to the people, to act like honest independent members of Parliament, and no longer implicitly to pin their faith on the sleeve of a minister, whose sole object it was to deceive and mislead, just as best answered his purpose. He concluded with a pathetic exhortation to the noble lord, that he would at least give up this point, and shew the public that some substantial remedy was intended for their complicated misfortunes. If this commission was properly constituted, there might still remain some hopes for the prosperity of this country, for having once returned into the path of rectitude, they might go on progressively from one step of reformation to another; but if the motion was rejected, and the old vicious system of government thus in every point tenaciously adhered to, the freedom of the people and the independence of that House must be buried in the same grave with the power, the opulence, and the glory of the empire.

The question was now put, and the House divided;—
Ayes 42, Noes 98.

Mr. *Hussey* then rose, and called the attention of the House Mr. *Hussey*, to the bill on a great point, viz. whether by the wording of it, the commissioners were empowered to inquire what money there was in the Exchequer itself, as well as in the hands of public accountants?

Lord *North* convinced the honourable gentleman, that it *Ld. North* was expressly enacted in the bill, that the commissioners of
account

account should examine into the state of money in the Exchequer, as well into the hands of the public accountants.

The House then resolved itself as in a committee upon the bill, and went through the clauses.

June 1.

On the first reading of the bill, for paying in and applying to the public for service, a portion of the surplus profits of the East-India company,

Mr. Hussy Mr. *Hussy* observed, that though the second reading might be the most proper time, yet, as the very principle of the bill militated against the interests of the company, and the council were acquainted with the nature of it, he did not see why they might not be heard against the bill in the very first stage of it.

The Speaker. The *Speaker* here interfered, and said, it surely could not be a question, but that the counsel ought to be heard upon the second reading of the bill.

Mr. Bankes. Mr. *Bankes* said, that he knew not whether he was in order or not, in venturing to speak his opinion in this stage, as he was a stranger to the forms, and had never ventured before to speak his opinion in that House.—The *Speaker* informed him, that if he intended an opposition to the bill he was perfectly in order to speak in this, or any other stage; and there could not be a more proper time than on the reading of the title of the bill, to state his oppositions to the foundation and intention of it.

Mr. Bankes. Mr. *Bankes* then said, that he intended to oppose it, and he could not see how any gentleman, who could read the Journals, or look at the statutes, could at all think of hearing counsel at that bar, where every person, he was sure, by making those references, which he should point out to them, and observing those records which had been framed in this House, would be able, by seeing them, to determine on this point, without any assistance from counsel, or any other guide but plain common sense; unless some person could prove there were other Journals and other statutes than those to which he should refer them. He stated, that in the month of March, 1773, and he said, that the observation of the particular periods of each transaction was necessary; a petition was presented from the East-India company, praying, that during their then present distresses, and until they had paid off the one-half of the debt which they at that time owed the public, they might be restrained from making any dividend above six per cent. and that when they had cleared off the public demand

demand upon them, they might then divide at the rate of seven per cent. but not exceed that until the bond-debt of the East-India company should be reduced to one million and an half, and that then the company should divide eight per cent. That in April following, the House entered into those resolutions, which the noble lord in the blue ribbon made the foundation of the present bill; but which resolutions, so far as they relate to the present question, he was certain were totally done away by the subsequent act of Parliament, made in pursuance of these resolutions, and containing the whole of these resolutions, being ten in number, that only excepted on which the noble lord had founded the present bill, and the reason of the neglecting this resolution may be drawn from the following circumstance: In the interval, between the passing of these resolutions and the introduction of the bill, a petition was presented from the East-India company, complaining of several of the terms imposed by the resolutions, and praying to have the matter settled in the courts below; and the House passed the bill which had neglected this resolution, which was the great foundation on which the noble lord founded his present demands, most likely in consequence of the complaint; and surely the House would agree that the bill having neglected this resolution, it was of course done away. It, however, there were any doubt with regard to this, it might not be improper to look to the period when the company's charter closed, in 1779, and it was thought necessary, by a temporary act, to grant the company a renewal for a year; was there any assertion of these claims which are now demanded? No; it was enacted, that for the future profits they should await such agreement as might be made between the company and Parliament. Did this seem like a supposition of a right in Parliament to the superlucration of the company? Having stated these resolutions and proceedings of former Parliaments, whence he thought it might be deduced, that there was no legislative opinion of the House to justify a claim on the profits of the East-India company, he should therefore move for deferring the farther consideration of the bill to this day three months.

Lord *North* said, that the manner as well as the matter of Ld. North.
the honourable gentleman, who had so ably supported the East-India company, merited a reply; he should therefore think himself unjustifiable if he did not make one, even in this, though an unusual stage of this business. But he hoped the honourable gentleman would excuse him, if in this stage

he was rather short. He said, that he certainly wished an agreement, but the company had declined one. That the public, before the misfortune of the company, from which they had been extricated by the public, had a considerable gain by the East-India company, under an agreement which was given up for a time by the public, to alleviate the distress of the company; and he would venture to say, it was not honourable or just, because the mercy of the public had interfered between the company and ruin, that they should on the aggrandizement of the company lose their former advantages for a more recent mercy.

By the agreement in 1767, the right to the participation was settled, and the terms of it fixed. In 1773, it was by agreement suspended for a time, on account of the bad state of the company's affairs. The nature of that suspension was, that it should only be for the time of their distress; that time was now past, and the public had a right to the participation. The only question therefore was, the just participation and the just sum to which the public were intitled.

Mr. Banks. Mr. Banks said, the noble lord had mistaken his argument entirely; for he had no objection to come to the question as a subject of future regulation; but as a matter of right to the present sum he must clearly object to it; for the right could only arise in two ways, by act of Parliament, or by agreement between parties, in neither of which ways it had arisen.

Mr. Dempster. Mr. Dempster spoke highly in praise of Mr. Banks, and averred that precedents were against the noble lord. He said, that as the management of the trade and participation of the profits were regulated by statute, if any difference should arise, the proper place for the explanation of it would be the courts below, where the matter, from the diligence of the law officers of the Crown, might be adjusted as soon as an act of Parliament could pass that House.

Mr. Powys. Mr. Powys reprobated the conduct of gentlemen in the several stages of this business. After a debate of five hours, he had quitted the House in doubt which way to vote; and on his departure, he met several gentlemen entering the House who immediately voted, without hearing one word of the debate, with the minister; but he doubted not that they had very solid and weighty reasons for their conduct. He concurred with Mr. Dempster in the propriety of bringing it before the courts below.

Earl Nugent. Earl Nugent rose, he said more to compliment the worthy young member, who had eminently distinguished himself in his

his first speech, than for the sake of any thing that he had to the question. The honourable member had delivered himself with so much reason and eloquence, he declared, he never was more won upon in all his life, and he believed in his conscience, that he would have completely convinced the House if he had not spoken in so bad a cause. The noble lord, however, denied, that the case between the public and the company could be sent to Westminster-Hall, as it was a dispute respecting the territorial revenues, and the courts of law could not take any cognizance of the rights of sovereignty.

In the report lately made to the Court of Directors, relative to the right of the company to the territorial revenues and acquisitions, it was stated, that the influence of commerce and arms, which had enabled the company to make conquests, were so blended and interwoven, that it was impossible to ascertain which had made the road to conquest, "commerce or arms." Now, let commerce (said he) have had ever so great a share in the conquest of the territories in India, as arms had co-operated, the conquest must necessarily be vested in the Crown; they could belong only to the sovereign, and could not become matter of judicial investigation. The legislature alone was to decide, and no appeal could lie but to the Lord of Hosts.

The House divided, when the numbers were, that the bill be now read: Ayes, 53; noes, 42. — The second reading was then ordered for Friday next.

Mr. *Minchin* now called the attention of the House to a motion respecting the unhappy subjects of Great-Britain, sailors and soldiers, to the number of more than 3000, confined as prisoners in Spain. His motion was for extracts and copies of all such letters and negotiations as had taken place in regard to the exchange of these prisoners. He said he would explain his motives for this, if there was any opposition made to the motion, which he did not conceive there could be.

Lord *North* begged to know the reasons.

Mr. *Minchin* then said, that his reasons were, that these prisoners had continued long in a state of most distressing and cruel confinement. He had been given to understand that their treatment was exceedingly severe, and that numbers of them had enlisted into the service of Spain, from the neglect of their own country, and despair of receiving their liberty. He was told that it had been principally owing to their activity and exertions in the erection of works that the

Ld. *North*.
Mr. *Minchin*

Spaniards had been able to make their approaches so near to the garrison of Gibraltar, and destroy that town and the property of the inhabitants. It was the duty and the business of ministers to see that this useful body of men were restored to their country; and relieved from those temptations to which human nature is incident in such a state. He called for these papers, in order to see that they had exerted themselves for their recovery, and that they had not been prevented by some insignificant point of pusillitas and etiquette. In this he trusted he should be seconded by every gentleman who paid regard to that most valuable body of men, and who would not suffer them to be made, wilfully, the sport of fortune. If the 3000 seamen now lying in a Spanish gaol were got back, they would man five ships of the line. Exclusive therefore of humanity he wished to know who the persons were who had been so inattentive to their duty, as not to reclaim them sooner, and procure their release, to prevent them from entering into the service of the Spaniards, and in order to man more British ships.

*Sir Picard
Sutton.*

Sir Richard Sutton said, the House had frequently been entertained with such stories, but there was no foundation for them. He had seen a gentleman lately returned from Spain, and he could assure the House, that none of the British seamen confined in Spain, had been employed at Gibraltar. Many of them, indeed, had been enticed at Cadiz to enter into the Spanish service, and such things would always happen under similar circumstances. At first, he said, the British prisoners were used with some severity, for places were not provided for their reception, nor funds instituted for their subsistence; but afterwards they were well treated. The Spaniards had rendered their situation as comfortable as possible, and had shewn a great predilection in their favour. As to the question, he thought it very improper, and asked the honourable gentleman, who moved it, if he meant to cast any blame upon administration.

The honourable gentleman frequently entertained the House with anecdotes, but that which he had given to day was founded in mistake; indeed it was ludicrous in itself, to suppose that a few seamen, who only know the handling of ropes and the management of great guns, were the engineers that set fire to Gibraltar.

However, supposing the honourable gentleman well founded in all he had advanced, there could be no grounds for laying those papers before Parliament, except some proof of neglect,

neglect, or inattention, had been proved on those whose province it was to settle cartels.

Mr. Webb rose with great indignation at what the honour-
able gentleman who spoke last had said. He thought the manner in which he had treated the subject very improper, and did not think it became him to tell the House, that the honourable gentleman near him had often entertained the House with such stories. For his part, he did not often trouble the House, but he too had a story which he would, with their permission, trouble them with. He had it from a gentleman just come home from Spain on his parole. Captain Foxall, of the Royal Charlotte East-Indiaman, told him, that in the prison he was in, he left upwards of 1400 British seamen behind. The prison too was so loathsome and confined, they could hardly live in it, and for some time they had no allowance at all of provisions, and at other times scarcely enough for the men to live upon; for the Spaniards, who had not taken any prisoners so long, upon their late capture of the West and East India fleets, were at a loss to know how to treat their prisoners. When Captain Foxall left Spain there were 1300 seamen confined in another gaol, and it was the general declaration amongst them, that unless they were soon released by the intercession of the British court, they would enter into the service of the enemy rather than live immured in gaols and dungeons; and before Captain Foxall came away there was scarce a day passed that several did not enter into the Spanish service, some days fifteen, some days twenty, and some days thirty, went in bodies, and the greatest encouragement was given to them on board the ships, on account of the superior discipline and skill that they had.

Mr. T. Townshend reprehended the gentlemen on the Treasury-Bench for asking, with what view Mr. Minchin made his motion. He attacked Lord Sandwich on the disgraceful circumstance of having both ends of the channel blocked up with the enemy's ships, while our Western squadron was safe in port. He adverted to Monsieur le Motte Picquet's having captured the St. Eustatia fleet. He declared it was scandalous, that no Lord of the Admiralty was present, when it was known that an Admiralty question was to be agitated.

Lord North said, that undoubtedly the present question was, properly speaking, an Admiralty question, and if the honourable gentleman had informed any Lords of the Admiralty

rality of his intention to move it, some of them ought to have been present; if he had not, it was his fault. His Lordship said farther, that he knew a cartel was in agency, and that it was likely to be soon settled, but that a claim we had upon the Spaniards for twelve hundred prisoners had stood in the way of its being settled. He added, that he was a little surpris'd at hearing his question to the honourable gentleman, as to the view with which he had made his motion, treated so vehemently. The question was by no means an insolent one; on the contrary, it was perfectly parliamentary. Calling for papers was not a matter of course; and gentlemen must know that it was always usual to open the grounds of such motions to the House.

With respect to a complaint that had been made, relative to the St. Eustatia fleet, he could assure the House, from his own certain knowledge, that two frigates had been dispatch'd to warn it of the enemys approach, though by some misfortune they had not been able to fall in with it.

Mr. Minchin Mr. *Minchin* said, that he had regularly given notice of his motion in the House two days before.

Sir G. Yonge. Sir *George Yonge* said a few words, with regard to the right the House had to expect some information on a point of so much importance.

Sir R. Sutton Sir *Richard Sutton* said, he did not doubt but proper means were taken to reclaim the seamen, but gentlemen should remember they had not been there any very considerable time, and the settlement of a cartel was not the work of a day.

Mr. Burke. Mr. *Burke* rose next, and began with remarking that nothing was more delusive than measuring time by a succession of ideas; the miserable and happy had very different ideas of time; what were but minutes to the latter, were hours, days, and months, to the former. So the poor captive thought his confinement much longer than he did who put him in prison. With regard to what the honourable baronet had said of the predilection and affection of the Spaniards for our sailors, now their prisoners, he said it was but a poor comfort to a British seaman, lying in a Spanish gaol, to be told that his enemy had a predilection for him, while he felt the neglect and contempt of his country, who made not the least effort to restore him to his liberty. It was not the humanity of an enemy that a British seaman ought to rely on; it was the benignity of Great-Britain that he should look up to.

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He said, that by the disgraceful practice of war, the unhappy seamen were, by the impress, dragged on ship-board, contrary to all their prayers and remonstrances; yet they generously forgave the injury, and fought the battles of their country. In return for this, when they fell into foreign captivity, they were neglected and forgotten; were left to perish in a sultry climate; it was even deemed factious to inquire after them; in a word, they found in the Admiralty only an iron hand to oppress, but no compassion no spirit, to protect them.

Augustus, the Roman emperor was so affected with the loss of his legions, that he even invoked the manes of their dead General to restore them back to him, *Turris, redde mihi legiones!* So might that House say to Lord S——, *redde nobis nautas!* S——! Give us back our seamen, our ships, our troops, our wealth, lost by thy cursed treasons;

O thou Earl of Sandwich, who wast born to be the curse of thy country, who livest only to accumulate dishonour on her head, to destroy her boasted navy; restore, restore to us, those brave men who were thrown into chains by thy negligence, and remain in them by thy scandalous inhumanity!

With respect to the capture of the St. Eustatia fleet, he wished to say nothing; it contained the plunder of British subjects, and if British subjects chose to insure it, let them suffer; but when the noble Lord talked of sending two frigates, it was truly ridiculous; they were sent not to warn the fleet of danger so much as to incur danger themselves, and add to the conquest of the enemy; that was not the kind of service we had a right to demand of the Admiralty, they should have repelled the enemy instead of proclaiming his approach. The Eustatia fleet however was taken, and about that he did not interest himself; his object was a noble one, it was the protection of our brave oppressed sailors, and not of plundered property; for that object he would contend, even if the present motion was rejected; for he would move another, not of inquiry, but censure on the man who had decreed, that though those brave fellows were treated with predilection by their enemies, they should meet nothing but contempt in that country they bled to defend.

Lord *Lisburne* came into the House while Mr. Burke was *Ld. Lisburne* speaking, and rose as soon as he concluded, to vindicate himself from the charge of inattention, in being absent when

when the motion was made ; he declared that he had no intimation of it but about half an hour before, and could not follow the steps of the honourable gentleman wherever he pleased to move. He explained the delay in exchanging prisoners with Spain to have arisen from a dispute between that country and this, concerning twelve hundred prisoners set at liberty by Sir George Rodney, for which they refused to account ; and, till this difference was adjusted, it was impossible, he said, that any cartel could be settled.

Mr. Minchin

Mr. *Minchin* demanded to know what kind of notice the noble Lord expected. His motion had been intimated, and stood on the books these two days ; he had disclosed its exact import to all who asked it, and particularly to a minister the night before. On these grounds he submitted to the Chair, whether his notice had been anywise defective.

The Speaker

The *Speaker* said, as he was appealed to, he must declare, that the notice was, in every respect, regular and candid.

Lord George Germaine.

Lord *G. Germaine* perfectly coincided in this opinion ; notice was certainly given of the motion, and the House were properly prepared for it. He explained the nature of the dispute, subsisting at present between the Spanish agent and our commissioners of sick and hurt, which he hoped would now soon be adjusted, and every difficulty in settling the cartel would then be obviated. The dispute was about the 1200 seamen relieved by Sir George Rodney, but which he believed would be settled within a few days.

The House divided :— Ayes 29 ; noes 53.

Mr. Burke.

Mr. *Burke* then made his motion, which was a proposition of censure, “ That there have been 3000 British seamen and soldiers confined in the prisons of Spain since the month of August last ; and that no satisfactory information has been given to the House to shew that the necessary steps have been to procure their exchange.”

Some debate of the same nature ensued on this, and the House again divided : Ayes, 32 ; noes, 54. — Adjourned to June 6.

June 6.

A petition was presented from the governor, sub-governor, and directors of the Company of the Bank of England, which was read, and referred to a committee of the whole House.

The

The House went into a committee of ways and means, and the petition from the governor and company of the Bank of England was referred to them. Lord North stated the purport of it to be, that their charter expiring in the year 1785, they applied to Parliament for the renewal of it for twenty-one years from that period, for which they proposed, as a valuable consideration, to lend to government two millions for three years, at three per cent. the interest to be provided for by the sinking fund; one million to be issued on the 15th of November next, and one million on the 15th of February. The noble lord, after some observations on this offer, which he considered as fair and equitable both for the public and the Bank, said that he would propose to apply the money to the paying off so much of the navy debt, which he considered as the very best use that could be made of it. And he concluded with stating to the committee, that he did not mean to move any proposition at this time, as, on consulting precedents, he found it was the practice of the House not to make any resolution on the first hearing; but, after having examined the proposals that were made, to order the Chairman to report progress, and ask leave to sit again; and on the second hearing to come to a resolution on the matter. He therefore moved that the Chairman do report progress, and ask leave to sit again.

Mr. *Huffey* said that he thought the bargain was very unfavourable to the public. It was not such as they had reason and right to expect on renewing the charter for so long a time. But as the present was not the proper stage for debating the matter, he would not enter into the principle of the bargain.

Mr. *Byng* said, that from the management which had been observed by the noble lord in this bargain, as well as in all other bargains, it had been contrived to serve the purposes of corruption; for by intimating his intention to his friends and adherents, they had bought up navy and victualling bills to the amount of the sum which was proposed to be lent to Government, and by this stratagem they would gain twelve per cent.

Mr. *Pulteney* rose next and said, he expected that the noble lord would have stated to the committee the reasons for bringing the business forward now, and on what grounds he had listened to the proposition just read. He farther observed, that there were between five and six years to come before the present charter of the Bank expired, and said, Mr. Grenville and other ministers always held it wise to let the idea of a re-

newal rest till the existing charter was just on the point of expiring.

He entered more at large into this topic, and explained the grounds by which the Bank would be considerable gainers by this bargain, instead of losses; for their loss of interest in the loan would be only two and a half per cent. and by buying up the navy and victualling bills, they would ascertain a clear profit of twelve per cent. So that upon the whole, instead of paying any thing for the renewal of their charter, they would gain four and a half per cent. by the loan of the two millions more than they could get by lending it at common interest.

Before he sat down, he charged Lord North with having taken the House by surprise; when he opened his budget, the noble lord, he said, told the House, that he meant only to pay off one million of the navy debt, and now he came to the House and said, he should pay off three; this Mr. Pultney thought extremely improper in the noble lord, and especially, considering the part of the session in which he brought so important a business forward.

The Secretary at War. The *Secretary at War* said, that perhaps individuals might have taken advantage of the settlement, as men would always be ready to speculate from the probability of gain; but the committee surely would not consider this as any obstacle to the bargain being made. The honourable gentleman had not mentioned any facts to prove what they had thrown out.

14. North. Lord North said, that when the petition came to be discussed, he meant to open to the House his reasons for thinking the present proposition such a one as ought to be listened to and closed with. As to the charter not being expired, undoubtedly what the honourable gentleman had said on that point was the fact, but then he could not himself see it as an objection to making the bargain now; it struck him, that it would be to the full as much to the advantage of the public to have the money now as five years hence; and with regard to his having said, when he opened the budget, that he should not, he feared, be able to pay off more than a million of the navy-debt, he could say no otherwise, because he was not then certain of obtaining the two millions now offered. If Parliament agreed to the proposition, he should advise the applying the two millions to that purpose, because he thought it the best way to apply it; but that was a matter that would be entirely with the House, who were to apply it as they thought proper. This was not the first time when he had intimated his intention of paying off a part of the navy-debt.

In

In his propositions towards the services of the year, he said that perhaps before the end of the session a fund might be procured for paying off a farther sum of that inconvenient debt.

Mr. *Dempster* complained, that at this late season of the Mr. *Dempster* year so important a bargain should be made. Many of the country gentlemen, who were the persons the most interested in the welfare of the state, and left the town, and at this late stage the minister had thought proper to bring forward this bargain. If it was true that the Bank had bought up the navy and victualling bills, it would prove that the directors studied the interests of their constituents; but if the House went into this bargain, without thoroughly examining the facts, and inquiring what had been the profits of the Bank for the last nineteen years, he should think that they were very bad agents for their constituents.

Mr. *Ewart* said, he believed it was not true that the Bank Mr. *Ewart* had bought up the navy and victualling bills.

Lord *North*, in answer to Mr. *Dempster*, said, that he Lord *North* thought it would be exceedingly improper to inquire into the profits on the transactions of the Bank. It had not been done when the last bargain was made; and he believed there was no precedent for it in the Journals of the House.

Mr. *Dempster* said, in reply to this, that it was very true, Mr. *Dempster* that when the last bargain was made with them, Mr. *Grenville* had not made that inquiry; but it was true and perfectly known, that Mr. *Grenville* had repented the bargain which he had made to the day of his death.

The House divided on the question; to report progress, Ayes, 56; noes, 27

Sir *Gilbert Elliot* called the attention of the House to the Sir *Gilbert Elliot* petition of Mr. *Philips*, a person who had invented a powder for destroying the weevils, cockroaches, and other insects, so prejudicial to corn and dry provisions. After stating the consequences of the invention, and the benefits likely to arise from it, as had been fully proved to the committee, by the oath of Captain *King* and other respectable witnesses, the report was read and referred to the committee of ways and means. The House went into that committee, when Sir *Gilbert* moved, that the sum of 4000*l.* be granted to Mr. *Philips*, as a reward for the invention. Lord *Nugent* urged some objection to the motion, which was answered by Mr. *Gilbert*; he said that a smaller sum would not afford him relief, 500*l.* of the sum would be sunk by the charges of office before it came to the person.

Mr. Turner. Mr. *Turner* warmly recommended the reward as proper and necessary.

Mr. Byng. Mr. *Byng* approved of the reward, but desired to know who were the persons that would receive the 500*l.* of the sum in its passage to the person. He wished to know whether they had any merit from invention to deserve the bounty of Parliament.

Sir Gilbert Elliot said, that the charge of the two Houses of Parliament in passing the bill, amounted to between 70 and 80*l.* and the fees of the Exchequer were seven and a half per cent.

Lord Alton. Lord *Alton*, to save this sum to be paid to the Exchequer, moved an amendment to the motion, that instead of 4000*l.* the sum of 3,600*l.* should be paid to him, exclusive of all fees, but those due to the officers of Parliament.

The motion thus amended was agreed to.

Mr. Pulteney moved, That an account of the number of the navy and victualling bills, purchased by the Bank, previous to the 1st of June, be laid before the House. By this, he said, they would have an opportunity of knowing the truth of the fact stated to the House. He felt the difficulty of the motion, and if it was objected to, had another proposition which would make it conditional, and not obligatory on the company.

Difficulties were started as being an unfit motion, and altogether improper to inquire into the transactions of a great trading company, and it was ultimately withdrawn. The second proposition could not be made in that stage of the business.

June 7.

On the third reading of the bill to remedy certain inconveniences in the Marriage-act,

Mr. Fox Mr. *Fox*, agreeable to his promise, rose and gave his opinion on the absurd and improvident act, which had given rise to the present bill, and which would no doubt give rise to many bills of a similar nature. He reprobated the intentions of the Marriage-act in very severe terms, and considered the whole as tyrannical and absurd, oppressive and ridiculous. He strongly painted the extreme impolicy and pernicious consequences of restrictions on marriage, considered in an abstract

* A bill was brought in upon this grant, which with some difficulty was carried through the House; but in the Upper House it was opposed by the Lord Chancellor, and after a good deal of contest with the first Lord of the Admiralty thrown out.

abstract point of view ; he pointed out many inconveniencies that had resulted from the act of George II. as well to private families as to the public in its aggregate interest ; that act, he said, had originated not so much in aristocratic pride, which was the popular idea, as in a low principle of avarice, which made men covetous to augment the wealth of opulent families, by interested alliances, and retain all the riches of the country in a few channels, instead of dispersing them into many, which was evidently more for the public advantage. To this end the most generous passions of the heart were unfeelingly sacrificed, and the laws of nature violated by parental tyranny ; but the means adopted by the legislature had been as defective as the object was absurd ; for not only the access to matrimony was made difficult, but, by a retrospective regulation, marriage contracts were made void, the happiness of families disturbed, and innocent persons bastardised, if some trifling formalities were not attended to. Various objections to this effect had frequently been urged against the Marriage-act on former occasions, and he himself had taken an active, uniform, and decided part in opposition to it, as often as the subject came before Parliament ; but his opinions had been controverted, and always in the event with success : he might therefore be led to despair of ever overturning this destructive law, did not the bill now under consideration furnish one very cogent argument in his favour, in addition to every thing that had formerly been advanced ; for the pernicious effects of the Marriage-act were now made unquestionable, by the necessity of that explaining bill which the noble lord had with so much propriety introduced ; to this, then he would briefly call the attention of the House, and here rest his arguments, trusting that gentlemen, who would be convinced by no other species of demonstration, would at least yield to experience.

Here they saw what had been the consequences of innovating on the old established forms of marriage ; infinite difficulties had occurred ; the public in general were totally ignorant of those regulations in which the welfare of every family was so deeply concerned ; and though the act in question was not only perspicuous in its language, but sufficiently promulgated by being read on a thousand different occasions in all the parish churches, yet so little was it understood, that an infinite number of people had inadvertently formed illicit marriage contracts, and begot an illegitimate offspring. It was not anywise to be inferred from this, that the legislature
had

had passed the act without proper caution, or omitted any provisions that might render such a measure inoffensive in its operation; on the contrary, it was a matter of astonishment that a statute could be framed for altering the established custom in a matter of such universal moment, without producing more speedy and more fatal ill effects; had it been drawn with that careless hand which many acts were in the present times, in less than a week after it passed, the bill now before Parliament, or some similar one to explain and amend it, would have been found requisite; and perhaps it would have been happier for the public had this actually been the case, for the longer the mischief remained latent, the more pernicious must it in the end be found, and the more incurable. He begged gentlemen calmly to consider what deplorable effects might have resulted to individuals had this defect, which had now been seized on by parochial interest, been discovered by a mercenary man in a question of private property. Suppose only, that where the right to a large landed estate was in controversy, a near relation of the possessor being claimant, had discovered that his opponent's parents were married in one of these new chapels, and grounded his claim on the Marriage-act, as being the next legislative heir; in that case he might have defied any court of law in the kingdom to decide against him, and the other unfortunate party must have been consigned to infamy and ruin. Perhaps there might be a man, who would go on the foundations of law against the principles of honour and the ties of blood, to rob his brother's children of their estates and fortunes, because they might have been the children ignorantly consummated, like the present. Perhaps the noble lord then as now might bring in a bill for their relief; but in what a distressing dilemma would the House have stood, when a man appeared at their bar, demanding not to be bereft of property to which, by the plain express meaning of the legislature, he was legally entitled! they might consider him, it was true, as an ungenerous and an unfeeling man. His conduct they would justly call dishonourable, but it would be legal. It would be justified by law though condemned by morality; and they must consider him as a man infamously acting under the sanction of an act of Parliament.

He was aware, that the propriety of the late decision had been controverted; that some gentlemen of great legal knowledge, thought the act erroneously expounded; that, in the expression of "churches, in which nuptials have been usually solemn-

A. 1781.

D E B A T E S.

solemnised," the legislature intended such as might in future acquire a right by usage, as well as those which possessed it at the passing of the act. In answer to this he must observe, first, that whether just or otherwise, the judgment had effect till removed by some superior court, and that in his opinion it was founded on a true exposition of the act; but admitting, for argument sake, the contrary, still the difficulty, if not equally extensive, would be more perplexing; for it would then become a question, what exact period of time constitutes a legal usage within the meaning of the statute? Those marriages first solemnised in chapels built after passing the act, must indisputably be void; and as to the subsequent ones, the strangest confusion in the world must arise, for of two couple married in the same church to-day and to-morrow, the children of the one might hereafter be deemed bastards, and those of the other legitimate.

One blot in this absurd act of Parliament had already been hit; but who could say how many more were still latent? Some there were, without dispute; for, on his own knowledge, he could mention one case of at least equal hardship with that now under review. The act required that the consent of parents or guardians should be actually obtained and expressed; now there was a noble family, in which, by this provision, a most disagreeable accident had lately almost happened; and as the mischief had been happily prevented, he might mention it with safety to the parties. A marriage was about to be solemnised, to which there was the fullest approbation of the families on both sides; but the consent of one person, who by the law was entitled to have a voice, by some over-sight had not been expressly given, not that there was any reluctance, but that such a formality was not recollected to be essential; this omission went on till within half an hour of the wedding, and it was then accidentally thought of: now, had the ceremony actually taken place under such an oversight, it would have been illegal, and perhaps, in the second generation, the legitimacy of the issue might have been questioned. Though this was the only instance of the kind within his remembrance, it could not be doubted that a thousand similar ones existed, and that many couples now living in security with full confidence that they had been legally married, might in fact stand in a most hazardous predicament, both with respect to their own reputation and the interest of their children. He hoped therefore, that in case he could not succeed in procuring a repeal of the Marriage-act,

act, at least there might be another amendment, making the express previous consent of parents necessary to disannul the contract, and sustaining all marriages which have been solemnised with only their implied concurrence.

There was also another provision in the act that required explanation, and if the noble lord had not taken notice of it in his bill, the omission should certainly be supplied; for all persons, who had solemnised marriages in any of these new chapels, were at present liable to transportation. Under danger of that penalty stood at present a vast number of clergymen, and some prelates in the Upper House; but America would not receive them, they must go to the *Justitia* hulk, which to be sure would be a terrible thing, and he hoped the House would interfere to save these reverend, and right reverend gentlemen, from so horrid a fate. It was an absolute fact that several, if not all, of the bishops had transgressed in this way, and by the bye the House might have the mortification to see bishops in their lawn sleeves, instead of preaching the word, heaving ballast on the Thames.

If after the various inconveniences that this act had been found to produce, and the strong arguments that had been so often urged against it, in opposition to which he had never heard a solid one in its favour, it was still thought necessary to endure every misfortune rather than suffer that increase of abuse of women, (who were unquestionably best qualified to choose their husbands) the being obliged to obtain the consent of parents or guardians, in order to marry for themselves, the absurdity of continuing the Marriage-act would plainly appear from its being wholly ineffectual. All the end which the bill was originally intended to answer was defeated; and he thanked God that it was so by the friendly interposition of Scotland. The people of Scotland rejected the provision of that law, and were barbarous and uncivilised enough to retain the old maxim, that a woman could choose better for herself than either parent or guardian could choose for her. So that all the intention was lost with respect to the preventing women of high families and large fortunes from marrying without the consent of parents; and there was nothing left but the tyranny, the oppression, the calamity, and the absurdity of the act, in its restraining the marriages only of the people, to whom a journey to Scotland might be too expensive or inconvenient.

He confessed, he said, he was under some embarrassment concerning the line of conduct which it would be now proper

per for him to pursue, for he did not wish to retard the present bill, absolutely necessary as it was to the happiness of thousands, and yet he could not, contentedly, lose so favourable an opportunity of proposing a repeal of the Marriage-act, to which his enmity had always been irreconcilable. Considering the late period of the session, he would not wish to trouble the House to no purpose, and therefore should be glad to know how the noble lord, not now in his place (Lord North) stood affected to the proposition, for if that noble lord determined to oppose it, he would despair of success, and would therefore forego his design. He hoped however his Lordship would at length come into the measure, and therefore wished rather that any other member should move the repeal than himself, for he and the noble lord had such a habit of disagreeing, on almost every subject, that the motion might fare the worse for coming from him. He did not know how it was, but the Marriage-act had retained its partizans longer than any other measure or political tenet whatever, for among all the intermixtures of party, since its first introduction, the friends or enemies of that act had never changed sides. He had been called its inveterate, hereditary enemy, and he confessed he was, consequently should an inveterate enemy propose its repeal, its friends would probably take alarm, and defend it with all their force; from this consideration he should be happy to have the noble lord over the way (Lord Nugent) who had formerly opposed the bill, or any other member, make the motion, which he otherwise must himself trouble the House with.

Earl Nugent perfectly coincided with the honourable gentleman in his opinion of the act alluded to, but declined moving its repeal at present, recommending rather to defer it till the noble lord (Lord North) should be present. His Lordship suggested a curious case, not hitherto adverted to, against which the present bill could not provide a remedy. Supposing, said he, a man who has been married illegally in these new-built churches, and whose wife is still living, should, pending this act, marry another with due formalities, I should be glad to know how Parliament could then interfere to rescue the former wife from infamy, or retrieve in her case the consequences of that improvident act? We should have no other possible resource but to adopt the scheme of Doctor Mad n; and then, when one man met the indulgence of having two wives, perhaps others would think themselves entitled to the same.

His Lordship also afforded some diversion with an anecdote from Ireland. An act, he said, subsisted in that country similar to ours; but with this singular addition, that it prohibited marriages between protestants and papists, and made them void when contracted; a lady of the popish religion being ignorant of this law, was on the point of marrying a protestant gentleman; but fortunately, hearing of the danger she was about to incur, and being advised to guard against the possibility of his meaning to abuse her, she privately conformed to the protestant church, and then married him. After a due period of conjugal tenderness, her husband began to think of dissolving the connection, and therefore thus addressed her: "My dear, I love you dearly, but, alas, our union can subsist no longer; for we are living in a state of fornication, and are not legally married." On that, added his Lordship, the wife produced her certificate of consummation (a loud laugh) of conformity; I mean, explained he, the gentleman produced the act, and she in return produced the certificate; when the husband replied with the same indifference which he had observed through the whole conversation, "Now, my dear, we are married again."

The bill was now read a third time, and passed.

The House were then very loud in calling out to Mr. Fox to move. He sat for some time to see if any other gentleman would take the matter upon himself; but none rising,

Mr. Fox

Mr. Fox got up, and said, since no other gentleman seemed inclined to take the matter from his hands, which, however, he was very sorry for, on the account which he had mentioned, he would now proceed himself; and notwithstanding the objection made on the ground of the noble lord's absence, he would now make his motion; for considering the lateness of the season, no time was to be lost, and there would be opportunities enough for opposing the bill in its different stages, when the noble lord would be present, "though, perhaps," added he, his Lordship means not to be here, and I shall be as well pleased if he is not." The title of the Marriage-act of George II. being then read by the clerk, Mr. Fox moved, "That leave be given for bringing in a bill to amend the said act."

Lord Nugent

Lord Nugent again recommended deferring this motion; and lord Westcote also urged the propriety of doing so, not only because the noble lord was absent, but because notice should previously have been given of a motion of so much consequence.

In reply to this, Mr. Fox observed, that he had intimated Mr. Fox an intention of offering something to the House relative to the Marriage-act; and as he should only get one step forward by the present motion, he thought that notice sufficient.

Mr. Burrell begged the honourable gentleman to declare, Mr. Burrell whether his motion was to amend or repeal the act in question; for though perhaps the one might be necessary, he should certainly oppose the other.

Mr. Fox rose again, and informed the honourable gentleman, Mr. Fox, his motion stood to amend; but it was his intention to repeal every part of the act, excepted that which required a register of the marriage.

Leave was then given without farther opposition; and Mr. Fox, Sir G. Yonge, Lord Nugent, and others, were appointed to prepare and bring in the bill.

June 8.

Counsel was called to the bar on the Bill for securing to the public a certain participation in the profits of the East India Company.

When they had finished, Mr. Secretary at War rose, and Mr. Secretary moved for the second reading of the bill. He contended on the opinion which the Attorney and Solicitor Generals (York and Camden) had given on the right of the Crown, which was only another word for the public, to the sovereignty of the territorial acquisitions, and said that he trusted their opinions would be respected on both sides of the House, as constitutional lawyers. On that right of sovereignty they had a right to revenue, for they were synonymous and connected rights. The claim, therefore, now set up, was consistent in every respect, both with the expressed and implied agreement of the public and the company as well as with the constitution of the empire.

Mr. Fox entered into the question, and examined the pretensions of the public to the claim now made with his usual penetration, force, and energy. He said, that revenue was, and ought to be, considered as distinct from sovereignty; at least, it ought not to be asserted, that because we had sovereignty we had also a right to collect the revenue in our own way, without consulting those who were to pay it. By the experience which we had in the American contest, we had surely discovered, that robbery was not only disgraceful, but that it also was ruinous. Had not the noble lord yet felt enough of the consequences of robbery? In the beginning of that struggle, so much was the principle, asserted by the right honourable gentleman, in fashion, that it was even said, that if the Colonies

nies were to send us revenue, voted in their own assemblies, we ought not to accept of it. Now, however, that maxim was abandoned with respect to America; and we saw, by the letter of one of our governors in the Gazette, that we were happy to accept of revenue voted in any manner. It was abandoned with respect to America, but it was yet ventured to be pronounced with respect to the East Indies. He reprobated the whole of this conduct as impolitic, absurd, and abominable. The acquisitions of territory had been made for the purposes of commerce, under the express sanction of their charter, and unless Government repaid them the expence incurred in the conquests, they had not a right to them.

*The Lord
Advocate.*

The *Lord Advocate* said, the question of sovereignty was not that now before the House. It was merely the question of the 600,000*l.* to be received as an equitable participation, and this he contended to be due to the public by the records of the Parliament. He particularly stated the petition of the Company presented in 1765, which declared, that the public had a right to a participation, and by subsequent agreements the measure of that participation was settled.

Mr. Burke.

Mr. Burke spoke in answer to him, and said that his arguments only went to prove this clear and undeniable fact, that Parliament had a right to make a law to direct a future participation, but not to make it have a retrospective view. He did not mean to enter into the question of right to the territorial acquisitions. Sufficient to the day was the violence thereof. The noble Lord's friends were wise in endeavouring to shift the question from its true ground. It required more than common effrontery to acknowledge that he was unjustly and violently seizing on this sum, without right and without pretension. The noble Lord might set up the claim of the public on the resolution of that House, with impunity, because he knew that he would be supported in every species of rapacity; but at the same time, he must himself be certain that the claim was only adding insult to injury.

Mr. Poyers.

Mr. Poyers blamed both sides. The Company had acted with negligence, the noble Lord was now acting with violence. The Company ought undoubtedly to have come forward, and offered proper terms for the renewal of their charter; but it was not enough, that because they did not do this, the noble Lord should come forward and seize by force on their property.

Lord

Lord *John Cavendish* warmly reprehended the noble Lord *John Cavendish* for his violent and unjust conduct in the whole of the business.

Lord *North* rose to speak in answer to the noble Lord, and defended his conduct on the same grounds as he urged on this subject.

The House dived on the question for the second reading. Ayes 129; noes 89.—Adjourned to the 11th.

June 11.

The order of the day for going into a committee on the bill for paying into the Exchequer the balances in the hands of public Accountants was read, and Lord *North* moved, "that the Speaker leave the chair."

Mr. *T. Townshend* rose immediately, and desired to be permitted to give his reasons why the House should not in his opinion go into the committee, nor proceed farther in the bill; or if they did go into a committee, to shew them why some clauses should be inserted which had not been thought of by the noble Lord in the blue ribbon. It might be imagined that being a public accountant himself, he was interested in the rejection of the present bill. He assured the House that he was not in the least interested, and that for this reason: his balance amounted to the small sum of twelve or thirteen thousand pounds; and this sum he had deposited in the Bank of England long since, there to remain till he could get his accounts passed. He had never made the least advantage of the balance that remained in his hands, either by having it at interest or otherways nor would he ever do so. To him therefore it was a matter of the most perfect indifference, whether the sum was to be paid into the Exchequer the next day, or on that day ten years. He had been frequently praised; and as often laughed at on this account. Some gentlemen had called his conduct disinterested, and others silly. Sincerely to speak his own opinion, he did not think that he deserved either the one or the other. He had done what he thought his duty, and no more; nor did he state the circumstance now to gain any credit from it. He had claim to none. It was merely a matter of opinion, and he did not mean in the least to insinuate any thing against those accountants, who, from entertaining a contrary opinion, had acted in a different manner. The sole reason of his mentioning it was to convince the

the House, that what he should say against the present bill did not arise from interested motives; and that he was perfectly unconcerned as to its operation with respect to himself; he spoke for others; for public accountants, their representatives, and descendants, who were not there to speak for themselves; whose families might be very deeply injured if the present bill should pass without some provision being made to save them from the impending danger. A public accountant he observed was a man the most unfortunately circumstanced of any officer in the public service. If he went out of office it was not in his power to force the officers of Government to pass his accounts, and grant him a quietus; it lay intirely with them, and though he should use the utmost dispatch in expediting his accounts, still they might delay to pass them. He of consequence lay at the mercy of the auditors of the Imprest and Treasury. What was the consequence? In his own case if he wished to sell an estate, where was his title? he could not dispose of any part of his property, because he could not execute a conveyance sufficient to save the purchaser from an extent of the Crown. The bill under consideration took away the very feeble security remaining to a public accountant, that his accounts might be paid at all; while a large balance remained in his hands, the Lords of the Treasury had a *stimulus* to quicken them; because as matters stood at present, the balance could not be obtained till those accounts were settled, and therefore the First Lord of the Treasury would naturally be induced to forward the settlement of them that he might get the money. But should this bill pass, the case would be different; then a public accountant would be deprived of his only security, and he would have no chance of obtaining his quietus. Let the House consider what a dreadful situation the family of a public accountant would be in when he happened to die, and his affairs fell into the hand of representatives perfectly ignorant of the nature of his accounts; in such a case they might be harrassed with extents, and the whole fortune of the accountant would lie at the mercy of administration; he would not have a shilling that he could call his own, his whole property would depend on the caprice, the virtue, or the forbearance of government; such was the situation of a public accountant, and he well remembered the extreme anxiety felt by the late Earl of Chatham before he could obtain his quietus, which

was

was in the year 1769, thirteen years after he had been paymaster.

He reprobated the bill, as a violent measure of a negligent, indolent minister. He said it was the only proposition which the noble Lord in the blue ribbon had founded on the reports of those commissioners named by himself, under a commission snatched out of the hands of another person, in an indecent, he had almost said an ungentleman-like manner. What had those commissioners done more than the noble Lord, as First Lord of the Treasury, could have done without their assistance; they had stated the balances in the hands of the public accountants; the noble Lord knew them before, nay they were upon the table of the House; the noble Lord knew that when a public accountant went out of office, process after a certain time issued against him; the account of his balance was delivered over to the Remembrancer for the Crown, from him to the Board of Treasury, whence his accounts, when made up, were sent to the Auditors of the Imprest. What need then of appointing, in an unconstitutional manner, commissioners who were not members of Parliament, to examine public accounts, which any body might examine; and what occasion was there to direct their attention to those accounts, the state of which was already known? The great evil and the sole ground of complaint was the slow, dilatory manner in which public accounts were past and settled; that should have been the object of the commission, and not the trifling inquiries to which the noble Lord had directed them; but it was evident the noble Lord, conscious of his indolence, conscious of his neglect, framed the commission, and pointed the inquiries of the commissioners to trivial objects, merely to screen his own conduct, to divert the attention of the public from that, and to escape the censure, the severe censure, which his administration merited! If the fault lay with the Auditors of the Imprest, why had not the noble Lord done his duty? why had he not sent for those Auditors to the Treasury? why had he not inquired into the cause of the delay, and endeavoured much earlier than the present time to correct the evil, by calling upon Parliament to pass a law for that purpose? The noble Lord had it in his power to inquire into the cause of the delay. The Treasury Board ought to have examined into it! if the noble Lord found the evil lay at the Imprest-office: the noble Lord had a clear path to pursue, if his inclination had kept pace with his power.

He

He said, that when he spoke last on the subject, he had expressed a belief that his accounts would not be passed till that day five years. Probably he had made that remark in the hearing of some person belonging to the Imprest-office, who might think he meant to censure that office (which he certainly did not intend), but he had been since called upon by an officer belonging to the Imprest, and told, that his accounts would be made up by Christmas next. If such was the case, and any other person's accounts stood in the same predicament, why oblige them to pay in their respective balances sooner than Christmas, by which time they might have their quietus, and thus a fair, regular conclusion would be put to the business. He returned to his former argument on the position laid down by him, that this bill took away the only security a public accountant had, and left him in a worse situation than he was before, because it left him no hopes of obtaining his quietus, he contended therefore, that the bill was a violent and unjust, and an oppressive measure. He said it showed the noble Lord's eagerness to grasp at any money within his reach, and to lay his hands upon it, without at the same time having the least consideration for the safety of those from whom it was snatched, and who held it merely as a security to themselves and their families. He said farther, that the strong sense he had entertained of the manifest injustice of this, induced him to begin the debate, and he concluded with declaring, that he should be against committing the bill, unless he was assured that some proviso for securing their quietus to public accountants were introduced into it.

Mr. Fox. Mr. Fox said, his honourable friend had gone so fully into the subject, and had touched upon so many of the points he meant to have spoken to, and which he should have argued in the same manner, that it would be needless for him to go so much at large into the consideration of the bill as he had intended. Some things, however, concerning himself immediately, he must take that occasion of speaking to; but first, he could not help telling his honourable friend, that he appeared to him to have spoken rather thoughtlessly, when he had informed the House, that he was by no means personally concerned or interested in the present bill, because undoubtedly his honourable friend, being, like himself, a public accountant, he held his estate, his fortune, every shilling of property he had in the world, at the mercy of government; a predicament, in which, he conceived, no man could

could stand, and feel himself either unconcerned or contented. As one of the executors of the late Lord Holland, he was in some degree a public accountant, he felt therefore for himself, and he felt for his nephew and for others of his family, who, while the accounts of his father remained unpassed, could make no transfer of property of any kind; and whether they ever should be enabled so to do, must, if the bill passed, depend altogether on the kindness of Government. Perhaps he had no more estates himself to sell, but he felt for those who had bought those estates of him, which he had enjoyed under his father's will, because the title to those estates was and must be a precarious one till the accounts to which he had alluded had passed, and he and the other executors and representatives of his father had obtained a quietus. He put the case of any person's offering to sell an estate on the part of his nephew. Who would buy it? The person to whom it should be offered would naturally say, "Why, Lord Holland was a public accountant, and his accounts are not yet passed?" "No matter (the reply would be) Lord Holland's balance is but 400,000l. and that is ready to be paid in whenever his accounts are passed, which it is expected will soon happen." Would it not be likely, that the person to whom the purchase should be proposed, would answer to this? "You talk of a balance of 400,000l. Lord Holland had forty millions to account for, and how do I know, when the account comes to be settled and passed, but that the balance may turn out to be four millions, and that this estate, if I purchased it, may be seized by an extent?" In this way, said he, will men reason till the accounts are passed; in what light then, ought the present bill to be regarded, but as an act of the greatest cruelty, of the greatest violence, of the greatest oppression! As the act of an indolent minister, who sleeps over the public concern! who is profuse and extravagant beyond all bounds in his corruption one day, rapacious and hungry after money the next! who cares not how much he wastes, provided he can by any means, no matter how unjust, how unwarrantable, seize upon more to use to the same wicked and detestable purpose!

He said, he had not, and he took shame to himself for it, attended the House on the first day that the bill was debated, but he had understood it enacted, that an indemnification should be given to those who paid in their balances. Under this information he had been tolerably content, and should have felt no sort of uneasiness at suffering every shilling of

the 400,000*l.* due from the representatives of his father to be paid in, had an indemnification in the real sense of the word been given; but to his utter astonishment, when he came to read the bill, he found that, for the first time, the word indemnification did not mean that the persons to whom it was delivered, should be indemnified by it, but barely meant, a common receipt for so much on account. He said the executors of his father had met some time since, and it had been proposed to pay in 200,000*l.* to the Exchequer, in part of the whole; that he at the time, was adverse to the proposition, arguing, that the larger the balance the greater the probability of the accounts being soon settled by the auditors of the Imprest, in order that the First Lord of the Treasury might have the money at his disposal. His opinion was not acceded to by the other persons present, and from a diffidence of his own opinion, when a majority thought differently from him, he gave way; the proposition was in consequence put in practice, and the 200,000*l.* paid in. He had since been more and more convinced he was in the right, and if it was to do over again, knowing as he did, that when the Exchequer had received every shilling they could claim, the noble lord in the blue ribbon would be in no hurry to urge the auditors of the Imprest to pass the accounts, he would resolutely and firmly persist in opposing the paying in of a single shilling, till the accounts were ready to be passed, and a quietus was to be obtained.

The having a large sum of the public money in hand, was, he observed, at all times a matter that gave rise to much envy, and consequently drew upon the parties holding that money no inconsiderable share of obloquy. Something however was due to the public accountant, as well as to the public, and if the latter was intitled to expect its own at the hands of the former, the former indisputably had a claim to a full security and an ample acknowledgment and an indemnification, when the balance in hand was discharged. The present bill violated this equitable position; it claimed the balance, while it denied the security to the balance holder. Nor was it consistent with the noble lord's own opinion, as declared upon oath before the commissioners. He had in his hand the fourth Report of the commissioners, in page 23 of which was stated the noble lord's examination; the concluding words of it were these:

He has no objection to pay in the whole balance into the Exchequer, either upon receiving a quietus, or a security equivalent

equivalent to a quierus, that may equally secure himself and his family from any farther claims from the public upon him, as late Paymaster of the Forces."

In this part of the examination, the noble lord had himself held out the same argument justified by his honourable friend. The noble lord wanted an indemnification, in the true sense of the word, and did not talk of a bare tally of the Exchequer, which was, in fact, no more than a common receipt! Let the argument then rest on that examination, and let the noble lord be himself the umpire of the objections stated by his honourable friend and himself!

The honourable gentleman took occasion to notice the great share of obloquy which had been cast on a near relation of his, who was a public accountant for many millions, and was now no more. He said, those who were least acquainted with public accounts, the manner of stating them, the progress of them through office, and the mode of their being finally paid, were always most eager to find fault, even where there was no cause. It was so in the case of the person to whom he alluded; that person had been called the defaulter of unaccounted millions, when it was well known, by those conversant in public business, that the cry was ill-founded and unjust, the person in question not having been any more a defaulter than the honourable gentleman who now held the same office. The person of whom he was speaking, had never deserved the obloquy that had been cast on him; but the circumstance which gave rise to it, he had ever considered, and his friends had considered as the greatest misfortune of his life; viz. The having been at all connected with administration in the beginning of the present reign. Such, he said, was the intricacy and impenetrable mystery of Government in this unfortunate reign; such the dark, imperfect, and concealed system ministers pursued, that it was impossible for by-standers to devlope the cloud in which every thing was wrapped; impossible for the public to know the real from the ostensible minister, or to discover who had power and who had not! So circumstanced, they could not tell the minister of power from his instruments, and when public measures proved by their issue to be weak, absurd, and unjust, it frequently happened, that the odium and the blame fell upon the innocent, while the guilty escaped, and those got off without censure who planned the ill-concerted schemes, while others who had no share in the guilt sustained all the disgrace and all the detestation that followed. So it was

with the person to whom he had alluded. That person was in no degree the author of the mischiefs which mistaken men had ignorantly imputed to him. He had not the power to prevent what he as much disliked as any one of his most calumniatory traducers. It was a fact well known to his family, well known to all who came near him, that he most heartily deplored his not having that power at the time, and that he never forgave himself for mingling with those who had, and did not use it for the good and for the honour of their country ! With regard to the passing of his accounts, it happened luckily for him, that it did not rest on his assertion to make out a proof, that the fault lay not with the person in question, nor with his family. Fortunately there was much better evidence of the fact. It was no other than the great difficulty and the extreme length of time it cost the late Lord Chatham to get his accounts passed, and to obtain his quietus. The late Earl of Chatham, it was well known, and for which he neither blamed him nor was ready to say he greatly admired him, did not make a shilling advantage of all the public money that lay in his hands ; the whole was placed either in the Bank of England or at a private banker's. And yet notwithstanding this circumstance, notwithstanding the great influence which the noble Earl had, at times, in the country ; notwithstanding his anxiety, stated by his honourable friend, and the endeavours he made to get his accounts settled by the auditors of the Imprest, it was a known fact, that the noble lord quitted his office of Paymaster General in 1755, or thereabouts, and did not obtain his quietus till 1769. Lord Holland, he was willing to confess, and indeed it was useless to deny it, made advantage of the public money while it remained in his hands. And here he was ready to throw down his gauntlet, and to argue and maintain it against whoever maintained a contrary opinion, that if a public accountant held himself able at all times, without possibility of check or prevention, to produce the whole of the public money in his hands, whenever he was called upon so to do, it was in that case a matter of perfect indifference to the public whether he used it for his own advantage or not. Lord Holland, however, was always ready ; nay, more, he was always desirous to account. His representatives had been the same, as the noble lord well knew ; and he called upon him to declare, if they had not, by every possible means, urged and intreated the offices to pass their accounts ; but if Lord Chatham, under the circumstances described, was not
able

able to get his accounts passed in a shorter space of time than thirteen years, surely no man would contend that Lord Holland's executors could get their accounts passed in less, especially as they amounted to twice the sum.

The whole evil he insisted on it, lay with the Board of Treasury and the noble lord in the blue ribbon, whom he charged with the grossest indolence and negligence; and who, he said, wanted to shift the blame due to himself upon the shoulders of the public Accountants. With regard to the commission of accounts, it was so palpably meant to divert the attention of the public from the noble lord's mal-administration, and call it off from modern measures, by turning it upon the measures of old times, that, he declared, he wondered the idea of throwing out a tub to the whale had never before suggested itself to the mind of man, so completely did that idea meet the whole manœuvre of the commission of accounts, filled by general officers, Masters in Chancery, merchants, and men of all others the least proper to correct the evils in question. He observed also, that as an honourable gentleman had said, in a former debate, the commissioners had not only been nominated by the noble lord in the blue ribbon, but that their first inquiries had obviously been pointed out against discarded ministers and their discarded adherents. It was evident, therefore, that the noble lord's wish was, to take advantage of the first cry of expence, and to turn it to his own benefit, by making it the instrument of harassing those who had uniformly opposed the measures of his government.

The Treasury, he repeated it, ought to have examined into the cause of the delay in passing the public accounts, and, if they found it lay with the auditors of the Imprest, the Treasury ought to have immediately put it out of the power of those auditors to have remained any longer the cause of such delay. The noble lord, he remarked, in the course of his honourable friend's speaking, had, as if he felt himself provoked, called out in a most disorderly way, "That he had inquired again and again!" What did this prove?—still greater negligence in the noble lord. It proved that the mischief was so glaring that it roused the noble lord from his accustomed fit of indolence, but that though he went the length of an inquiry, he stopped short in the middle of the business; and even after he had ascertained the evil, neglected to apply the remedy. Why did not the noble lord bring in a bill to put an end to the cause of the complaint? With his weight

weight in that House he would have found no difficulty in passing such a bill. It was his duty to have done so, and not to have delegated the powers of Parliament to an unheard of set of commissioners of accounts to do his duty for him.

Another objection he had to the bill was, he declared it to be a bill of influence. He thought the power of appointing a Paymaster of the Army and a Treasurer of the Navy a sufficient degree of ministerial patronage. It was now evident that ministerial influence wished to go much farther; it extended even to persons out of place and in avowed opposition; for what Paymaster out of office could he said to be independent of Ministry till his accounts were passed? His honourable friend, who began the debate, notwithstanding he was every way independent in principle and spirit, was indisputably dependent on ministers at that moment, and so he must remain till he could obtain his quietus; which rested altogether, or would rest altogether, after the bill passed, on the will of the noble lord in the blue ribbon, who had at once the power of quickening the passing the accounts of other accountants, just as he chose to exercise it either way. He put this argument into several shapes, and said, had his right honourable friend, the present paymaster, continued last year to entertain sentiments similar to those which he and his friends avowed, and which the right honourable gentleman seemed, more than once inclined to adopt, he verily believed Ministers would have attempted to have given him as much uneasiness as possible. He knew his right honourable friend was superior to their impotent malice; and indeed his favourable conduct since, with respect to Ministers, had rendered it unnecessary. He said, that when he was himself examined before the commissioners, he thought it his duty to state, "that there was a litigation depending between the executors of Lord Holland and Mr. Robert Paris Taylor, who was one of his deputies, the determination of which might affect the balance due from the late Lord Holland, as Paymaster of the Forces; as much of that balance as might be affected by that litigation, he objected to the payment of into the Exchequer; as to the residue, he had no objection, upon obtaining a quietus, or an indemnification equivalent thereto." By this declaration he was ready to abide, but to be obliged to give up the balance on any other condition, he should consider, as being forced by the strong hand of power to submit to an act at once oppressive, violent, cruel, and unjust. He contended

contended also that the object was not worth the violence of the measure, for that in fact the noble lord was grasping at the mere interest of two hundred thousand pounds for a few months only, since if Lord Holland's accounts were passed by Christmas the whole of the balance would be paid at that time.

Lord North rose as soon as Mr. Fox sat down, and said, *Ed. North* after having stated on his first motion, for the House to go into a committee upon the Reports of the Commissioners of Accounts, that he meant to bring in a bill, to oblige all those accountants, who had large balances of the public money in hand, to pay those balances into the Exchequer, in order that in the present exigency of affairs, the public might have the use of their own money; and after having heard it repeatedly admitted on all sides of the House, that such a proposition was perfectly just and reasonable, he was not a little astonished at hearing the present bill attacked as violent, oppressive, cruel, and unjust! From the language that had been used by the two honourable gentlemen that day, had he not known the contrary, he should have been tempted to suppose that the bill, then under consideration, was neither more nor less than a daring attempt to snatch the private fortunes of individuals out of their possession, and apply them to the use of the state; nay, a mere stranger would undoubtedly have carried his ideas farther, and imagined, from the extraordinary degree of harshness with which his conduct had been treated, that he meant to appropriate the balances in question to his own private use, and to put the whole of the money into his pocket. One honourable gentleman had said, "the noble lord is extremely rapacious, he grasps at all the money within his reach, he claps his hand upon it, and by the strong arm of power forces it from those with whom it is now lodged." Did the honourable gentleman recollect, that the money in question was the money of the public, issued by orders out of the Exchequer, and that all the bill would effect would be, to bring that back to the public Treasury which there was no pretence whatever for suffering to remain longer in the hands of private individuals? "But gentlemen said, 'pass our accounts!'" "give us our quietus, and then we will pay our balances!" Certainly, in ordinary times, balances were not expected, nor usually received from public accountants, except upon the settlement of their accounts; but would any gentleman contend, that under the present situation of public affairs; in a moment, when the exigency of the state was

was so pressing; large sums of the public money, every shilling of which was wanted for the public use, ought to be suffered to remain in private hands, and in those hands from which there would be no call for it in small payments? A great argument used by the honourable gentleman who had spoken, was, that the present bill put the public accounts in a worse situation than they were in at present. This assertion he must deny. The bill obliged public accountants to pay in their balances, but it gave them an indemnification from all claims to which those balances would be liable. On paying their balances into the Exchequer they would receive an Exchequer tally, produceable at any time as an ample proof that they had discharged their balances as far as those balances could be ascertained till their accounts were finally settled.

Another argument, much pressed by both the honourable gentlemen, was, "that the Board of Treasury, and he, as First Lord of that Board, had been extremely negligent and extremely indolent; if there was a fault in the constitution of the Imprest-office, they ought to have examined into it, and to have provided a remedy." The time of bringing forward this argument was surely somewhat extraordinary at the very moment that he was urging a bill through Parliament, the object of which was to remedy, in some degree, the defects of that office, by bringing the balances of the public accountants much earlier into the Exchequer than they otherwise would have been brought forward! With regard, however, to the inquiry into the cause of the complaint, the Board of Treasury (so much reprobated,) had been extremely industrious, and had tried, by every means in its power, to quicken the passing of public accounts. The Board had sent for the Auditors repeatedly; they had soothed and threatened; in short, they had done every thing in their power to give more dispatch to the passing of the public accounts, till at last, finding a Parliamentary provision for the purpose necessary, they had obtained an act, authorising a commission of accounts, filled by men of acknowledged ability and integrity, who were directed specially to examine and inquire where the fault lay. This was surely proceeding in the fairest and most certain way, both with regard to the evil in question and to the ascertainment of a fit and effectual remedy. "Oh, but (said gentlemen) that commission is merely a tub to the whale! It was intended to divert the public from other inquiries of greater importance, and which
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went immediately to the measures of the noble lord and his colleagues." Divert the public attention! he begged to know from what? Was there a single measure of Administration, not only during the last twelvemonth, but during the whole war, that had not been examined, scrutinised, placed in every possible point of view, reviled, abused, condemned! What was the public diverted from? "Why, says one gentleman, the attack made by an honourable member on the Civil List." Had the honourable gentleman forgot, that notwithstanding the act authorising a commission of accounts passed a year ago, the honourable member alluded to had renewed his attack upon the Civil List? And what did that attack go to? not to any offices or places created by him or under his administration, but old establishments founded under ministers often talked of with great applause. Of the propriety of that attack, Parliament had been the judges, and had decided against it. In that case, therefore, no blame was surely imputable to him.

One gentleman had said, if the clerks, &c. in the office of the Auditors of the Imprest are too few they ought to be increased; he, at the same time, had stated, that Lord Chatham was thirteen years in passing his accounts, and yet he had owned, what every one must acknowledge, that Lord Chatham had great influence. What was this but a clear acquittal of the present Board of Treasury, because every body knew that Lord Chatham's accounts, and the time thus elapsed before they were passed, was that interval in which the Duke of Newcastle, Mr. Grenville, Lord Rockingham, and the Duke of Grafton, were the Ministers? If, therefore, the Board of Treasury was to blame for not altering the mode of passing the public accounts, those first Lords of the Treasury were, at least, as much to blame as he was; the charge was more strong against them too, as the time it took to pass Lord Chatham's accounts was a time of profound peace, in which the minister's attention might much more easily have been directed to an improvement of a civil nature than at present, in the midst of an extensive, busy, and complicated war.

But gentlemen had expressed great fear of not having their accounts ever passed if the balance was paid in before their quietus was obtained; and had said, their security would then no longer exist, since the money was the only spur that remained to induce the Treasury to quicken the Auditors of the Imprest as much as possible. This was surely rather an extraordinary argument, and he was not a little surprised to

hear gentlemen ask, when the balances were paid in, what inducement would remain with the Auditors of the Imprest and with the Exchequer to pass their accounts! what inducement? He would tell the House what. One great inducement would be, the fees payable at the Exchequer, and which were payable only on the passing of the accounts, and the granting the quietus. It had been contended, however, that the quietus ought to be granted with the balances instead of an Exchequer tally. Was the nature of a quietus perfectly considered when this argument was used? Did gentlemen recollect, that a quietus would establish and set up as right every single article in each account? and when they recollected this, would any gentleman contend in reason and in fairness, such a general establishment of all the various items ought to be allowed accountants, before those items were severally examined and compared with the proper vouchers?

With regard to the position laid down by the honourable gentleman who spoke last, that if a public accountant was at all times ready to produce and pay in the full amount of the public money in his hands, it was a matter of indifference to the public what use he put it to till it was called for; he was ready to admit it, but then he must be allowed to say, that, if the full balance was taken out of a public accountant's hands, it was not probable that he would be slower in preparing his accounts for passing; which, added to the inducement there was in the Auditors of the Imprest to obtain their fees, would render the passing of the accounts as speedily as possible, a matter equally desirable on both sides. As to Lord Holland's accounts, they were so extremely different in their nature, and stood in such a different predicament from the accounts of Lord Chatham, that he could only consider all that the honourable gentleman had said on the comparison as a heap of contradictions. Undoubtedly the arguments that applied to the one would no more apply to the other than it was correspondent with common sense to charge the present Treasury-board with negligence and indolence for not applying a remedy with regard to the present mode of passing the public accounts, in the very moment when they were applying that remedy, and which no preceding Treasury-board had ever attempted. As to the want of dispatch, in relation to Lord Holland's accounts, the Board of Treasury had repeatedly examined into the cause of it, and had once directed the two auditors to employ more
clerks

clerks for the purpose. One of them had complied with the direction, but the other (a gentleman lately dead) had refused, and had assigned as a reason, that if he added any given number, such was the state of the progress of the accounts in their passing, that they would not be the more speedily dispatched.

His Lordship, in answer to the assertion that the commissioners ought to have endeavoured to find out some better method of passing the public accounts, said, that was the main object of their commission; but they had not as yet got at it. What Parliament had judged proper for them first to make the object of their inquiry they had turned their first attention to; the other matters, he trusted, they would consider, and report upon in due time. The present bill was founded on their fourth Report; the object of it was opened by him to the House before Easter, and the bill itself had been brought in as early as was consistent with that candour which ought to mark such a measure. He said farther, that he had, in his progress, allowed full time between each of its stages for gentlemen to consider it with due deliberation.

With regard to the time of paying in the balances, he was far from wishing to make that a matter of inconvenience to the public accountants. He would fix it for any day in November, or whenever gentlemen chose, so as to bring it within the Ways and Means of the year, he knew not, however, where the honourable gentleman got his notion of the Auditors of the Imprest being able to pass his accounts by Christmas next. He did not himself think it possible for them to be passed in so short a time. His Lordship stated, that the whole of the money which the public would have the use of, if the present bill passed both Houses, would not be so mere a trifle as the honourable gentleman, who spoke last, had stated it to be. The amount of the balances, (Lord Holland's, and those of the other accountants put together,) would be at least 400,000*l.* of which he had himself and his colleague full 63,000*l.* to pay into the Exchequer. He concluded with declaring, that he trusted the bill would be considered as very necessary, and that it would be suffered to go into a committee.

Mr. Fox rose to explain, and charged the noble Lord with having misrepresented what he said. He had never suggested that the balance of Lord Holland's accounts was not the public money; he had only contended, that Lord Holland's representatives ought to have an indemnification

for paying that balance into the Exchequer. He charged the noble Lord with having insinuated what he knew was not in any degree founded. The noble Lord, he said, had argued, that if all the balances of the public accountants were paid in, those accountants would not be slower in expediting the passing of their accounts. This, he asserted, was an insinuation that some had been more slow than they ought to have been; a charge he defied the noble Lord to make out.

Mr. Fox offered on the part of Lord Holland's representatives, that the whole balance of his Lordship's account should be paid into the Bank, there to abide the passing of the accounts, and contended, that the public had no right to handle it till they (his father's representatives) had obtained their quietus.

Mr. T.
Townshend.

Mr. T. Townshend rose to call for an explanation on the same point. He said, if the noble Lord doubted of his having paid his balance into the Bank he might call Mr. Beckwith, of Mr. Aislaby's office, to the bar to prove it.

Ld. North.

Lord North replied to both gentlemen, and declared, he had used the argument at which the honourable gentleman had taken offence merely as a general argument, without meaning to aim an insinuation at any particular individual, or to impute blame any where. His Lordship spoke also to other particulars of his former speech that had been misunderstood.

Ld. Mahon.

Lord Mahon pressed the noble Lord to accede to Mr. Fox's proposal of paying the money into the Bank, and declared, that in the committee he should move that the balances be paid into the Bank, and not into the Exchequer.

Sir Grey
Cooper.

Sir Grey Cooper rose to defend the Treasury. He said that Mr. Townshend, in describing the conduct of the Exchequer in obtaining and passing the public accounts, had not sufficiently marked a very necessary distinction, and it was this: after an accountant had been some time out of office, the Exchequer ordered issues *ad computandum*, issues to oblige the accountants to render an account; which accounts, when rendered, went, as the honourable gentleman had described, to the King's Remembrancer, and thence onwards to the Auditors of the Imprest, to be examined and passed. Sir Grey declared, that the Board of Treasury had many times interfered with the Auditors of the Imprest, and in particular with regard to Lord Holland's accounts; when, as the noble Lord had stated, one Auditor had immediately complied with the directions of the Board, and taken more clerks into employ,
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but the other Auditor (Mr. Aislable) had refused, alledging, that the accounts of Lord Holland were in that stage of examination that new and raw clerks could not forward them at all; but that what remained to be done, respecting them, must be done by experienced persons, and those only who had long been conversant with the business of the Exchequer. Sir Grey said farther, that the Auditors had many times promised, that the accounts should be passed against Christmas, but that every year before Christmas arrived, something intervened to prevent the fulfilment of their promise.

Lord Howe said a few words, respecting his own particular *Lord Howe's* situation as a quondam treasurer of the navy.

Mr. Burke charged Lord North with having said, the *Mr. Burke's* fault was in the constitution of the Imprest-office, notwithstanding which, instead of attempting to correct that evil, he had contented himself with seizing upon the money, and taking away the security that the public accountants had; and yet when an attempt was made to correct the inconvenient forms of the Exchequer, by which the passing of the accounts might be simplified and expedited, as well as relieved from the burthen of those fees of office which were so justly complained of, and which ought to be abolished, he reprobated the principle of the bill as it now stood, and called upon the House to alter it, in so far as to give fair and honourable security to the accountant, from motives of policy as well as justice. The House ought to reflect that the office of an accountant would not be very desirable if it was to subject the holder to all the danger and misfortune of ministerial caprice, or tyranny, or injustice. If the House wished that the public should be served honestly and purely, they must make the servants of the public secure and independent when they have acquitted themselves of their charge. Responsibility should continue no longer than trust; and it became Parliament to make the road to clearance and discharge, in case of rectitude, as even and easy as the road to punishment, in case of defaultation.

Mr. Courtenay, in a short speech, recapitulated what had *Mr. Courtenay's* been said for and against the bill, and concluded by expressing his high respect for the character, abilities, and integrity of the honourable gentleman (Colonel Barre) who suggested the hint for a Commission of Accounts. The noble lord in the blue ribbon had indeed taken up the idea, and (in his opinion) improved on it, by framing the present bill, which gave it vigour, efficacy, and utility. The eulogium of

of the commissioners had been re-echoed from all parts of the House; there was not only, Mr. Courtnaye observed, a *lucidus ordo*; there was a lucid brevity, an accuracy, an arrangement, a compression of thought in their Reports, very different (as he had heard from old members of Parliament) from those voluminous inexplicable Reports which used to encumber the table. The noble lord in the blue ribbon had derived credit and popularity by introducing the bill; the present opposition to it proved both its utility and the envy it excited. An honourable gentleman had said, the noble lord's motion was solely to extend the influence of the Crown, by appointing Commissioners of Accounts, and to prevent future committees and associations. He believed the noble lord had no such design in framing the bill; but if it eventually checked the growth of associations and committees it was an additional advantage to the public; the honourable gentleman had also censured the noble lord for procrastination, but if the noble lord had procrastinated, at least in respect to the present bill, some gentlemen would perhaps be better pleased.

He concluded, by saying, that as corruption, subserviency, and such harsh epithets had been applied to those who chose to support administration, he hoped he was in the bounds of order, by allusively at least pointing at the malice of their opposition in the present instance. The noble lord in the blue ribbon, he observed, was in the same predicament as another man of great merit in his profession; the late Sir Godfrey Kneller; who, like the noble lord, had the misfortune of not being able to please every body; as the noble lord had framed this excellent bill, so Sir Godfrey had drawn a very fine portrait of a young man of fashion, possibly a member of Parliament; but when his relations viewed the picture, they expressed their disapprobation of it, (like the gentlemen in opposition); Sir Godfrey indignantly turned (as the noble lord might do) to one of his friends, and exclaimed, "I vow to God I never drew a better picture in my life, but I have thrown some sense into the face, and now they are angry, because they do not know their own fool again."

Sir George Savile.

Sir George Savile said nothing was more evident than that in the same proportion, that the public had a right to the balances the accountants had a right to have their accounts passed, and to their quietus. It was perfectly new to him, to demand a balance before an account was settled, and he should

should have thought it reasonable to have said to the Commissioners, when they demanded to know the amount of his balance (had he been examined) "I do not know what it is as yet; when my account is settled I will tell you the amount of the balance."

At length the House went into the committee, in which the blanks were filled up. The day of payment was fixed for the 24th of October.

Lord *Mabon* moved to leave out the words "be paid into *Ld. Mabon* His Majesty's Exchequer," and insert in their stead, "be paid into the Bank of England." The committee divided on the question, that the former words stand part of the clause, Ayes 103; noes 22.

Lord *Howe* asked a few questions, which were resolved by Lord *Howe* Lord North.

Mr. *Fox* also wanted to move, that Lord Holland's representatives pay in only such part of his Lordship's balance as was not litigated.

Lord *North* explained to him, that if all were paid in, it would be the same thing, as in that case the public must stand the charge of the suit.

The bill got through the committee.

Mr. *Fox* brought in his bill to amend the Marriage-act. It was read a first time, and ordered to be read a second time on Friday next. Mr. *Jolliffe* said he would oppose it in every stage.

June 12.

Mr. *Fox*, pursuant to notice called the attention of the House to the American war. He began by observing, that this subject had undergone a recent discussion upon a motion made by his honourable friend, Colonel Hartley, in consideration of which he should not now have troubled the House with a proposition built on the same basis, but that since the late occasion an argument had presented itself, more unanswerable in its nature, and more efficacious, as he had reason to hope with gentlemen on the other side than any thing that he or his friends could advance; their assertions might be questioned, but those of Lord Cornwallis he trusted would have all the weight which the abilities, experience, and high professional reputation of that General might fairly challenge. He had a paper in his hand, the late Gazettee, from which, on the authority of Lord Cornwallis, the impracticability of conquering America was plainly deducible, and on that alone

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he meant to rest his argument to-day, as the best means of avoiding those stale repetitions so often complained of, when the present subject came before Parliament; the subject might be old, but the field of reasoning would now have an air of novelty. He should therefore confine himself entirely to the Gazette, it was an authority to which gentlemen on the other side of the House would not object, and he begged the patience of the House would bear him company in giving it an attentive examination. This paper certainly confirmed every thing that had been advanced by his honourable friend and himself on the former occasion, but if it could be permitted him to be jocular on such a subject, he might beg the House to believe there was no collusion in the case, the Gazette neither having been framed by his authority, nor he having had any previous knowledge of its contents.

He remembered well the principal argument urged from the opposite benches, and on which the debate chiefly hinged, was a signal victory; which, said those gentlemen who opposed the motion of his honourable friend, will call the rebels to the British standard. The victory has since come confirmed; the British standard has been erected; but what then were the predicted fruits of what he was tempted to call this pretended victory? Nothing but disappointment; nothing but misfortune; he would not say public disgrace. The truth was, the victory of Guildford, as it was called, drew after it all the consequences of something very nearly allied on a decisive defeat. Lord Cornwallis did not fly from the enemy; but indisputable facts bore him out in affirming, that if Lord Cornwallis had been vanquished, instead of being the temporary victor, his operations, or rather movements, could not have bore a more unfortunate aspect. He no longer pursued the object of his expedition; he no longer sought the enemy, even in their flight. Nay, more, he in an instant relinquished all the advantages he had gained with so much difficulty; which had been attended with circumstances which reflected so much honour upon himself as a commander, and upon the very gallant, but ill-fated body of men whom he led to glory, and to every thing but substantial success.

From the report of Earl Cornwallis, there was the most conclusive evidence, that the war in which we were engaged was at once impracticable in its object and ruinous in its progress. It furnished us with the materials and grounds both of triumph and dejection, both of glory and despair. It shewed

shewed us, that beneath the conduct of that brave man, a body of British troops had acted up to all the expectations that could be formed of their enterprize and their valour; and at the same time taught us, that neither spirit nor perseverance; neither good conduct in the commander nor courage in the soldiery, could prevail in a contest founded in evident madness and inconsistency.

He wished, he said, to examine the information which we had received from Earl Cornwallis pretty closely. The noble lord said, that "the object of the campaign was to penetrate into North Carolina." This the honourable gentleman said truly could not have been sufficient of itself to sanctify an expedition of so much certain expence and probable danger; and his Lordship very properly gives the farther explanation in a subsequent passage, by saying, that "it was to give protection to the many loyalists that there were in North Carolina, and to bring them to the British standard." From whom his Lordship received this information he could not pretend to guess; most likely he had received it from this country, where all such information had had its rise and its currency. Undoubtedly there was some reason to apprehend that there might be some men in North Carolina, who, on the approach of his Majesty's arms, might have joined them; for previous to the present contest there were a set of men in this province, a sort of banditti, who infested the peaceable inhabitants, and against whose depredations it had been found necessary to guard, by putting arms into the hands of a number of orderly persons, who were called regulators. To be sure it was not altogether unreasonable to hope but that these banditti, who had maintained a sort of intestine war against the old established government of the province, might be expected to join those who came like themselves to attack that government. To men of such a description all government would be alike, and they would be ready to join any force whatever that came with hostile intentions against the settled power of the country. But even those expectations, if any such were formed, had been disappointed, and the whole object of the campaign had failed.

This failure, he said, must have proceeded from either of these three causes. First, that there must have been some essential defects in the plan; secondly, that the means must not have been adequate to the object, and thirdly, that there must have arisen certain unforeseen contingencies, applicable to this campaign only, which had defeated the end. As he

could not for a moment suspect that either of the two former could be held up to Government as the causes of our failure, in regard to themselves or to the commander, whose skill, enterprize, and perseverance, were justly praised, he could only have recourse to the last, as the only probable cause that could be urged by ministers of the calamities of the campaign. With this view, therefore, he would examine the contents of Earl Cornwallis's dispatches, to see if his information would bear minister's out in this argument. He here turned to the Gazetteer extraordinary, and by commenting on every passage, he shewed the House that the obstacles were not temporary nor peculiar; they were not applicable only to this campaign, nor such as were either unforeseen or unexpected. They were obstacles incident to the nature of the war, and which we should always have to encounter and to surmount while the constitution of nature remained the same. They were the obstacles of rivers, of a deep intersected country, of impassable marshes, of a disaffected people, of "timid friends, and of inveterate enemies." Such was the state of the country that he could not procure provisions for his small army, while that of General Green, so much more numerous, found no such want. Such was the state of that service that he had not been able even to procure intelligence. So timid, as he expressed it, were the friends of government in that country, (represented as so favourable, that they would be ready to flock to the royal standard on its approach) that they would not even venture to give him intelligence, much less assistance; or only give him delusive and false intelligence, by which he might be led into situations dangerous and difficult for his army.

He made here a just distinction between the conduct of the friends of government in that country and this. There they were so timid, or rather so treacherous, for that was the more applicable epithet, as to give no intelligence; here they were so audacious as to give us intelligence in immense quantities. They tell us every thing. Such was the abundance of intelligence with which they furnished us, that they had hurried us on, from year to year, from effort to effort, from expence to expence, with an avidity which only could be equalled by the timidity and the silence of those friends whom they had left behind. He wished to God that those men, who had been so loquacious in England, had been in Carolina, where their audacity would have been of service; and that those timid friends had been in England in their stead, by which we might have been preserved from all that tor-

rent of intelligence which had influenced and hurried us into this war, and been provided with a little of it in the day of necessity, when information was necessary to safety if not to success.

He proceeded next to the battle of Guildford, where the Gazette asserted we had obtained a signal victory. This term, he doubted not, was used by lord Cornwallis in a very proper sense, for he could only attend to the disproportion between the two armies, in which point of view, no doubt, that a victory should be gained on our side was very astonishing, and highly to the honour of our troops; but if the consequences of the action were to be regarded, then he must understand the word signal in a very different sense, and allow the victory to have been signalled by drawing after it the same identical effects that might have been expected from a defeat. Had our army been vanquished, what course could they have taken? Certainly, they would have abandoned the field of action, and flown for refuge to the sea-side; now these are precisely the measures we were obliged to adopt after the action at Guildford, the victorious army leaving the field, abandoning the future object of its expedition, and retiring to the fleet. Another term used by lord Cornwallis he must also take notice of; he called his army a little one; and well indeed might he give it that appellation, since his whole force did not amount at the utmost to three thousand men. He took that number, merely to avoid a contradiction that might divert the current of debate into an improper channel; for he was credibly informed, the army did not amount to one half the number he had stated; but taking it at three thousand, then on what principle could ministers even justify confining the operations of this active and spirited general by so scanty a force? Little indeed the army was compared to the enemy it combated, but still less if compared to the army estimates voted this session; for it appeared by them, that no less than eighty-three thousand men were employed in America, including a small number in the West-Indies, so that in order to bring three thousand men into the field the public were to pay for and provide eighty-three thousand. He did not mean absolutely to say, that so many were actually in the service, perhaps not a tenth part of them could be produced; but the account of them was to be seen on the table; and what language could properly describe the fraudulent conduct of ministers, in imposing so grievous a burthen on the people without necessity? He would take, however, if they pleased,

his constituents. The honourable gentleman adverted to an expression of lord George Germaine on a former day, that ministers surely could not want disposition to a peace, as they had a stake in the hedge. Perhaps it might be objected to him, that not having a stake in the country he was not sincere in his professions, and that his arguments ought therefore to be disregarded. It was very true, that his personal interest, his personal stake in the country, was but small: he would, however, claim the praise of as sincere a regard for his country as any man in it, be his fortune what it may; and he conceived that his proposition would not be less attended to, because he himself had not the wealth of those men who had been accumulating princely fortunes by the calamities of their country. But if he had no stake, the respectable body of men whom he had the honour to represent, and whose interests he was appointed to guard, had a stake for which it became him to be solicitous. The city of Westminster was materially affected by the continuance of the war. They had suffered most severely in the struggle, and he knew that he spoke their wishes, when he recommended to ministers to take every possible means of reconciling us with our brethren in America.

After a variety of other arguments he moved, "That this House do resolve itself into a committee, to consider of the American war;" and intimated his intention of moving in the committee, should it be appointed, a resolution, "That his Majesty's ministers ought immediately to take every possible measure for concluding peace with our American Colonies."

He observed, that this proposition differed essentially from that suggested by his honourable friend on a former occasion, for that only provided power to ministers, when the will was wanting; but this laid a parliamentary injunction on them, to supply want of inclination, and left them to apply for powers, if they should find any necessity for so doing. He hoped the noble lords in administration would not object against any measure tending to peace, though they were a disgrace or humiliation to them; they were blackened enough already, and surely, in his opinion, it could not do much harm to add one more disgrace to the many already sustained. He hoped also not to be answered as on former occasions, by saying that ministers had a large stake in the country; for it was not their stakes, but those of their constituents, for which they were playing: for his own part, it was well known he had

no stake to lose, but that should not abate his zeal for the public interest; on the present occasion, he asked no credit for any assertion he had made, but referred for every thing to the authority of the Gazette, and on that rested his argument.

Lord *Wescote* said, he was not prepared to follow the ho- Lord *Wescote*
nourable gentleman, nor did he mean to combat his argu-
ments farther than he had formed his opinion upon the appa-
rent tendency and probable effect of the motion, should it
be adopted by that House; nor even should he have attempt-
ed to draw its attention, if the honourable gentleman had
not thought fit, in the course of his speech, to animadvert
upon something which had fallen from him in the debate
some years since in that House. He remembered the passage
alluded to, and therefore presumed the allusion could be only
applicable to the sentiments then delivered by him on the sub-
ject. He acknowledged he had said, that the influence of
climate might operate in the southern colonies, and, he be-
lieved, universal experience had confirmed the truth of the
observation. He might have said, that the inhabitants of
the southern colonies were likely to be enervated by natural
causes, and less able to resist than those colonies situated to
the northward; but he did not ground his opinion on the
propriety of carrying on our operations to the southward
merely on that ground, but combined with other circum-
stances, which came within his knowledge or experience;
some perhaps, founded in speculation, others from the state
and situation of the country, particularly that part of it,
the government of which he had been intrusted with by his
Majesty: he meant the general disposition of the inhabitants;
secondly, the great number of slaves, and persons employed
by the planters, &c. He thought he was well founded in
saying, that the resistance was not likely to prove so general
in the first instance, nor so effectual in the second; but even
allowing there was no ground for the former supposition, the
loyal attachment to their sovereign and this country, there
was strong reason to presume, that so effectual a resistance
would not be made against the British arms in a country
where, besides having the horrors of war, and all its dread-
ful concomitants to encounter, the people would at the same
time have the apprehension upon their minds of a more dan-
gerous, because a more cruel enemy, their slaves, servants,
&c. to whose mercy and protection, while they were con-
tending

tending for what they deemed their rights, they must have trusted their wives, children, and property.

The honourable gentleman had, in very strong colouring, depicted the miseries which were the consequences of war. He had come in for a share; he had felt, and had suffered in the most tender point [alluding to the loss of his son, the honourable Mr. Lyttleton, killed in the naval engagement between the British and French fleets, off the Capes of Virginia, on the 16th of March] yet he had the consolation to reflect that he had fallen in a just cause, in asserting the constitutional rights of his sovereign and his country. But he did not wish to dwell farther on so disagreeable a subject, notwithstanding every thing which had been urged to the contrary by the honourable gentleman, he believed, his general opinion of the practicability of carrying on operations to the southward with success had been confirmed by experience; the inhabitants of those Colonies now acknowledged the sovereignty of Great-Britain, and enjoyed those rights which had been so long withheld from them, through the oppressive and traitorous conduct of an internal faction, supported by the power and aid of a rebel Congress.

He did not mean to rise, but for the reason now assigned; yet, as he was up, he entreated the indulgence of the House while he made a few short observations on the purport and apparent tendency, and the probable consequences of the motion made by the honourable gentleman, should the House think fit to adopt it. Before he proceeded farther, however, he would just observe, that the particular, as well as general reasons for carrying on operations to the southward, still remained uncontradicted, nay, were literally confirmed, for so far from the quotas from the southern colonies being of any material service at the battle of Guildford, by the best accounts received of that battle, the South and North Carolina militia gave way almost at the first fire, and fled to the protection of their own homes, while the whole weight of the battle fell upon the continental troops, and the Maryland and Virginia militia, who were not in general natives of these Colonies, but chiefly Irish, Scotch, and English; and therefore nothing could be adduced from their conduct to overturn his opinion. He therefore hardly expected to have heard a charge of misrepresentation charged upon him, when, in short, every subsequent circumstance which had since happened, afforded so many proofs that he had neither been grossly mistaken or misinformed.

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The question, as it presented itself to the House, he must confess, he highly disapproved of; and, if for no other reason, because it went to tie up the hands of government unnecessarily; but what ought infinitely more to be dreaded, it would defeat the very proposed objects of the motion itself, the bringing about a peace with America.

The best way to make peace was, in his idea, to wage war manfully; and to make a stand worthy of the ancient dignity of this kingdom. Gentlemen had last year mentioned the league of Cambray; and stated it to be the cause of the decline of the splendour of Venice; but they were mistaken; for powerful as was that confederacy, it was not able to ruin Venice; the greatness of that republic fell by the discovery of a passage to the East-Indies by the Cape of Good Hope.

On the first point he did not expect to hear it controverted, that it was the prerogative of the Crown to negotiate peace or declare war; that there was no one point in which the constitution had more clearly marked the distinction than in tracing out the boundaries or barriers which separated the executive from the legislative power; yet, if the present motion was to go as now proposed, those barriers would be broken down, and levelled with the ground, and that House of course improperly entrench on the rights of the Sovereign, arrogate to itself the power of making peace and prosecuting war, and by that means blend two powers, the executive and the legislative, which the whole scheme of the British constitution pronounced should be kept separate and distinct; and, so far as the mere exercise of the former might be affected, ought to be deemed independent. He presumed the honourable gentleman would agree with him, that the British was a mixed government. It was composed of three estates, the monarchical, aristocratical, and democratical, which, when knit and united together, formed the sovereign power. Neither would it be denied, he presumed, in their deliberative or legislative capacity, that those powers, thus united, constituted the sovereign or supreme power; but then it was equally evident, that the will of this body was appointed to be carried into execution by the Crown, and by it entrusted to the exercise of its ministers and subordinate instruments. Now should the House agree to the honourable gentleman's motion, for he had been so explicit as to announce his farther intention of moving in the committee, in some form or other, to make peace with America, what would be the case? most certainly a direct infringement upon the prerogative of the Crown, whose province it was to declare war, and negotiate

ciate and make peace; and no less a violation of the constitution, whence equally originated, as from one common source, the rights of the Sovereign and those of the other two branches of the legislature.

On the other ground it appeared evident to him, that the motion would defeat the ostensible object held out by the honourable gentleman who moved it. It would convince our enemies, that we were no longer able to prosecute the war, or defend those rights for which we originally had entered into it. It would be an implied declaration of public imbecility, while it would amount to a declaration, that we must receive peace from the Colonies, not they from us. Supposing, for an instant, that peace was offered, would not such a public act of that House import, in so many words, that it relinquished all hopes of succeeding by negotiation, while it would, to all intents and purposes, leave the people of America to act upon the same hostile plan against us; and after we had declared them independent, leave them at full liberty to unite with our enemies and effect our final destruction.

These were his reasons why he could not agree to the motion made by the honourable gentleman; for it clearly appeared to him, that it would be a violation of the constitution, in the first instance, because it would infringe upon the inherent rights of the Sovereign, and divest the Crown of the exercise of the executive power, and at the same time directly defeat the only intention or object upon which the exercise of that prerogative should, if at all, be dispensed with. That Parliament might, in certain cases, interfere, he was ready to allow; he meant, they might interfere under the sanction of the constitution, when the trust delegated to the executive power was either purposely abused, or negligently or ignorantly administered. Instances of this kind had happened in former times, and ministers, being responsible for the discharge of their respective trusts, had been called to an account, and censured; but never while the measures were carrying on. They were entitled to advise their Sovereign to declare war, to negotiate or make peace; and after their advice had been adopted, Parliament was competent to inquire in what manner they had conducted themselves, whether wisely or unskilfully, and to proceed to censure or inflict punishment.

The honourable gentleman, along with the misfortunes, disappointments, and disgraces, he was pleased to impute to the

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the American war, had reprobated, in the most severe terms, its cruelty and injustice, involving every person who supported the measures of government in a general charge of criminality. For his part, though he was not in Parliament when the measures respecting America were first adopted, he was ready to declare, that he had all along approved of them, and since he had the honour of a seat in that House had supported them as far as his poor abilities could reach. So far from its being an unjust or a cruel war, whatever adverse circumstances may have impeded its success, he solemnly affirmed, that he did not think it was possible for the mind of man to frame a system of conduct more consonant to justice and sound policy. What could be more strong or relative than the origin of the dispute on the part of Great-Britain? A considerable part of the empire, without any real provocation, fly in the face of legal government. Not contented to rest there, they fly to arms, and persist in a series of the most flagrant acts of rebellion; they tear with their hands the bond of constitutional union, by declaring themselves independent of the King and Parliament of Great-Britain; and finally, to fill the measure of their ingratitude and treason, enter into alliance with the most dangerous and inveterate enemies of the state.

So far, therefore, from calling the war on our part, a wicked, an accursed, and diabolical war, originating in injustice, prosecuted with rigour, and meditating the slavery of the vanquished, he was of opinion (if he might be permitted the expression) it was a holy war. The motives which gave it birth were generous and noble; it being, in the first instance, from an intention to maintain the inalienable and indubitable rights of the sovereign power of the King, the Parliament, and the nation; the unity of the British empire, and the dominion which was necessary to be preserved over all the respective parts of which it was constituted. In the farther progress of it, other objects arose, among which the security and protection of those who had been banished, proscribed, or persecuted, for their unshaken loyalty and steady affection to the parent state, was not the least; and since France and Spain took a part in the quarrel, it continued to be a war, carried on for the sole purpose of national preservation, against the deep-laid schemes of our ambitious and inveterate enemies to effect our total overthrow.

He begged leave to make a few remarks upon the melancholy picture drawn by the honourable gentleman, respecting

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the present state of public affairs ! The honourable gentleman had held out our enemies on one hand, contracted with our own situation, in a manner sufficient to inspire ideas of national despondency. He would agree with the honourable gentleman, that our enemies were numerous and powerful ; and that the late advices from Lord Cornwallis were not perhaps so favourable as might be expected ; but in this he saw nothing which ought to produce despondency ; on the contrary, the increase of difficulties ought to create diligence, and call forth exertion ; it should produce union. If our situation was alarming, it was far from being desperate. He remembered when the Queen of Hungary, at the commencement of the last war but one, was assailed by an host of enemies, composed of two of the most formidable powers on the continent of Europe (France and Prussia) assisted by the head of the Germanic body, (Duke of Bavaria, then elected Emperor) yet in the midst of her various miseries and distresses, and the dread of impending evils of much greater magnitude, after she had been stripped of two thirds of her dominions, and almost every day brought her an account of some fresh disaster, some battle lost, or fortress taken, she never thought then of proposing terms of peace to her surrounding and victorious foes. On the contrary, she acted with the utmost fortitude of mind, with the most unexampled magnanimity ; she persevered with a constancy, equally the effect of the most immovable firmness and the highest political wisdom ; and, by this truly judicious and magnanimous conduct, obtained in the end, all circumstances considered, an advantageous and honourable peace.

Such being his general sentiments, he thought it his indispensable duty to declare, that he meant to give his hearty negative to the motion.

Hon. Mr.
Pratt.

The honourable Mr. *Pratt*, son to Lord Camden, made his first parliamentary essay in this place. He spoke under evident embarrassment and diffidence, arising most likely from the uncommon respect that was paid to him, and from which he was not able to relieve himself through his whole speech. He would not attempt, he said, to add any thing by way of argument, to what had been so ably advanced by Mr. Fox. He had given so full and conclusive a weight to the question which he had brought before the House, that he declared he could not see how gentlemen could resist conviction. There must be some secret cause for the apparent incredulity of the other side of the House ; all their pretended reasons were surely insufficient to ground or maintain them in the opinion which

which they professed; for his own part, he most heartily concurred with his honourable friend in the motion, that he had suggested for recommending to ministers to take every possible step towards a reconciliation with America; it was the only thing that could save this country from ruin. He said, that the Gazette confirmed him in the opinion which he had long entertained, that the reduction of America was impracticable. The intelligence it contained was most unfavourable, and yet, such as it was, it was no doubt garbled as usual by his Majesty's Ministers. What then must have been the appearance of things if communicated in their original state? [We are sorry that the lowness of Mr. Pratt's voice prevented us from hearing distinctly his speech, or from giving it more at length.]

Sir *Thomas Charles* said, he had all along been convinced of *Sir Tho. Charles* the justice of the American war, and as soon as he came into ^{the} Parliament, at the commencement of the present session, voted for the farther prosecution of it, and for every measure proposed for its effectual support. Yet, however just the claims of this country might appear to him to have been, he supported those measures upon an idea of their practicability and eventual success. It was in vain, in his opinion, to contend upon the mere ground of justice, unless the claims of the parent state could be enforced.

At his entrance into Parliament, he voted with Ministers; because, from the information they gave that House, he was induced to believe that America might be recovered, and once more form a part of the British empire. In this opinion however he no longer remained. He saw that success by arms was beyond our reach. The whole tenor of the Gazette, which had been so ably commented upon by the honourable gentleman who made the motion, proved it beyond question, and took away almost entirely every apparent ground of controversy. The justice of the war became an object of very little consequence, when it was with hold, and we were no longer in a situation to enforce it.

It was said, that it would be degrading and unworthy a great nation, such as this country was said to be, to enter into a treaty with our rebel subjects, or to acknowledge their independency. So long as any rational hopes of success remained, he most heartily coincided in the same sentiment; but those hopes, even in the minds of the most sanguine, being at an end, he thought, for his part, that peace, upon almost any terms was infinitely preferable to a war under such

such peculiar circumstances: he meant no other avowed or proposed object, but the utter ruin of one or both parties, without the most distant prospect of advantage in the event to either. Under these strong persuasions, without feeling the least alteration of the principles upon which he acted at the commencement of the session, he must confess, that however disagreeable and mortifying, a regard for the interests of his country, and the duty which he owed to his constituents, obliged him, on motives of political necessity and expediency, to vote for the proposition moved by the honourable gentleman.

Mr. T. *Townshend*, after paying a compliment to the young members; for that unusual display of rising abilities that had been seen during the present session, superior, he said, to any thing he had experienced since he had been a member of Parliament, professed his high esteem and regard for the noble lord who was the writer of that Gazette, which formed the ground of the present motion. He had been in long and early habits of friendship and intimacy with the noble lord; an intimacy, he believed, which had produced a reciprocal affection. Nay, he was nearly allied to him in blood; yet, with all the prejudices of personal regard, with a full and perfect consciousness of the very brilliant and solid abilities of that gallant and skilful commander, he was persuaded, that Lord Cornwallis could not effect the reduction of America, because Lord Cornwallis could not effect impossibilities. His dispatch, in the plainest and most explicit terms, pointed out those impossibilities; "timid friends, inveterate enemies;" without provisions, cut off from all the resources so indispensably necessary for the support of an army, in the heart of an hostile country: in short, every feature of the campaign, and above all, when it was considered, that even a signal victory produced no other fruits but abandoning the very presumed objects for which he had fought and conquered, presented to his mind such an idea of immediate distress, and portended such a train of future disasters and increased disappointments, as fully proved to him, that the fate of the American struggle was already decided; and, consequently, that America, at least on the plan of coercion, was irrecoverably lost. If this was granted, which he hardly expected to hear denied, no man, standing in a responsible situation, he believed, would stand up in his place and contradict it. The only question then which remained to be determined was, if America could not be conquered, could she be treated with?

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If she could, the motion of his honourable friend was apparently directed to open the way to such a treaty. His honourable friend had taken very judicious ground; his intended proposition, should the House go into a committee, was meant to be worded in such general terms, that though it was specific as to the object, the minister's hands were not to be tied up, as had been so strongly urged and argued by the noble lord who spoke second. The object was peace with America; the means were not pointed out, but the choice and method of obtaining it were left to the discretion of his Majesty's Ministers.

The noble lord [Westcote] had likewise contended, that the motion proposed to be made in the committee, would be an invasion of the prerogative of the Crown, and a violation of the constitution. This was strong language indeed! Was such an interference unprecedented? or if sanctioned by precedent, was it ever condemned as illegal or unconstitutional? He was persuaded, that there were many instances on the Records, of Parliament having interposed upon extraordinary and pressing occasions; and if ever a necessity of the kind existed, surely the instant he was speaking, loudly proclaimed its existence. Ministers had originally led or deceived the nation into the war; they induced Parliament to prosecute it for upwards of seven years, at an enormous expence and waste of blood and public treasure. They still continue to buoy up Parliament with false expectations of success; and yet, after having failed in every one of their promises; after having, year after year, nay, week after week, promised, and falsified those promises, the noble lord complains of the impropriety of no longer trusting such men, or permitting them to pursue ideal and impracticable schemes of conquest; but to endeavour to make peace in preference to the continuing a war which ceases even to hold out any object which can create the most visionary expectation.

He said he was not prepared to enter into a minute detail of the first causes of the dispute with our American subjects. The justice or injustice of the American war had furnished matter of innumerable debates in that House. Men, and some of the very first characters in the kingdom, held different opinions. It would be an idle inquiry, at this time of day, to enter into discussion; from which he was persuaded so little benefit could be derived, and which too would be so far from bringing home conviction to either side of the House,
that

that it would only revive personal animosity, and sharpen contention.

It was with pleasure, therefore, that he observed at once how judiciously and candidly his honourable friend, who made the motion, had precluded a possibility of discussing a matter, which, unless as a mere point of speculation, had so little immediate connection with the business now before the House. If he conceived the tendency of his honourable friend's motion, it was this; if we are not able to subdue, or bring America to reasonable terms of accommodation by the intervention of arms, shall we try another means? shall we have recourse to negotiation? Here the American war was considered merely as a measure of expediency, not of right or justice. If the right was with us, and we were not able to obtain it, it was in fact no right; the ground of justice was of course very properly excluded by the manner the motion was framed, and so it had been justly conceived by the honourable Baronet who spoke last. His conduct, as he had explained himself, was perfectly and strictly reconcileable; so long as any prospect of success remained, he was for prosecuting the war; when it ceased, he was for proposing, or agreeing to terms, to which he would have by no means consented, if he could have in any other manner obtained the full extent of what he deemed the rightful claim of his country.

As to the ground of his motion, his honourable friend had conducted himself with equal judgment and parliamentary skill. To shew that the resolution he intended to propose in the committee was well founded, he adduced, from an authority not to be questioned, the London Gazette, that all expectations of conquering America were finally and completely terminated.

Though he meant when he rose, to avoid entering into any discussion relative to the justice of the American war, something had fallen from the noble lord which made it necessary to depart from his first intention. The noble lord had called it an holy war. He did not presume the noble lord foresaw the exact similitude which this favourite war bore to other holy wars; the Crusades, which had attracted the attention of Europe in the days of ignorance and superstition. Like the holy wars carried on in Palestine, it was conceived in injustice, prosecuted with cruelty, whetted by false zeal, and had ruined and depopulated the country which had engaged in it. It was the effect of bigotry and superstition: it was designed to aggrandise and enrich a few at the expence of thousands.

thousands. Like the holy wars it drained the country of its best blood and of its chief resources. Like the holy wars it exhibited an herd of fools and madmen, led on to ruin and death, for the purpose of promoting the bloody purposes of a set of knaves and would-be tyrants. Like the holy wars, under the mask of promoting the greatness of a single person, it concealed the worst, the most revengeful and diabolical purposes of blood, slaughter, and public and private oppression. Like the holy wars it raised knaves into consequence, who were the only gainers by it; and that by the spoils of an oppressed and impoverished people, while the great and good were sacrificed to their accursed ambition; so that the French observation was fully verified in both instances; *la guerre fait mourir les braves, et vivre les équins*. He then called upon the House to know how long they would, or could submit to see the blood of their relations spilt, and their money expended to no purpose? the noble lord, he said, might put on the cross, and appear at the head of his mad crusaders; but he hoped the House would come to its senses, and all colour for farther delusion being wiped away, that they would adopt those measures, from motives of necessity, which they had hitherto refused to listen to upon principles of justice or sound policy.

Sir *F. Edward Ashley* said that it might be deemed a presumption in him to obtrude his opinions or sentiments on the House, but he was encouraged by the example of a noble lord, who spoke lately, and who alluded to the loss of a dear relation of his slain in battle. He said, that he too, as well as the noble lord, had lost a son in this unfortunate war; he had still three sons in the King's service; and he wished to know if any more of his blood was to be spilt in a war, which must end in our ruin if pursued any longer? nothing but a truce could save us; the noble lord might believe him, for he had already told him some truths, which he did not believe at first. Besides, our blood and treasure was thrown away; for notwithstanding the sums voted by Parliament, the subject really had not protection; and he was sure that the county of Norfolk, which he had the honour to represent, was so defenceless, that one hundred men landing in it might do incredible mischief.

Mr. *Rigby* opened his speech with several handsome compliments to the honourable gentleman who made the motion. The honourable gentleman had represented himself as a person of insignificance, as possessing no property, as having no

stake in the country. No man, in his opinion, possessed a more valuable or important stake in this country than the honourable gentleman. His talents, his situation, and his prospects, combined, vested in him a more large and ample possession than the annual receipt of many thousands: when he therefore heard the honourable gentleman assume the language he had now used, he was free to say, there was no man who heard him that felt as the honourable gentleman himself seemed to feel. He was an honour to his country; his country had a public interest in him; and though he had the misfortune to differ from the honourable gentleman in his political sentiments, there was no man who retained an higher opinion of his abilities, nor of his public integrity, than he did.

After this exordium, he sincerely approved of the honourable gentleman's candour, in stating in his speech the proposition he meant to make in the committee; and foregoing his own particular opinions, by proposing to move in the committee, should the House agree to go into one, for a peace with America, instead of declaring America independent. He wished not to be understood as approving of either; but since the honourable gentleman had such a proposition in contemplation, he thought him candid in avowing it, and perfectly right in not making any motion for declaring America independent; for in fact America was at that instant independent, and ought to be considered in that light, and no other, till the fortune of war should decide otherwise. So far, in his opinion, the honourable gentleman had acted fairly and consistently. America was now at war with Great Britain, and till the event of that war was determined, she stood precisely in respect to this country as the other belligerent powers, France, Spain, and Holland.

The reason why he could not agree with the motion made by the honourable gentleman, as leading to the proposition meant to be moved in the committee, was this; that it would defeat the ostensible objects for which it was obviously framed, and that on two accounts; first, it would prove, that we looked upon ourselves as no longer in a condition to prosecute the war with any hopes of success; secondly, it would prevent ministers from availing themselves of any favourable or fortunate event which might happen in the mean time. He must confess, that his expectations were not very sanguine; the late circumstance which had fallen out, proved satisfactorily to his mind, that the power of that country was

in a great measure against us, and of course that success, to any solid extent or advantage, began every day to appear more and more doubtful.

For his part, no man more disliked the farther continuance of the American war than he did. He lamented it as a citizen; he disapproved of it as a senator; and, in his official capacity, several matters came to his knowledge, which convinced him it was attended with an enormous and ruinous expence; but however disagreeable or destructive it was, or might prove, he could not perceive how the present motion would tend to remove the evil. War, upon a general ground, was a national evil at all times, and in all possible situations. The American war he acknowledged was peculiarly so, on a great many accounts of an obvious nature, and the numerous and powerful enemies which had combined against us rendered the present war extremely alarming. Yet it was necessary we should continue to defend ourselves, and protect our dominions. Notwithstanding all those melancholy circumstances, he feared it was not a proper or prudent time to make a public declaration that we wished for peace. If such a declaration promised to procure peace, he would cheerfully give it his support; but, in his opinion it would produce a contrary effect; and so far from accelerating the issue of the war, would evidently tend to lengthen it, and would inspire the Americans with ten-fold vigour; and to talk of making a separate peace with America, was a mere farce; for whenever peace was made, he meant when we should sue for it, the terms would be proposed, if not dictated by France, not by America. They were leagued in interest, and united in arms; and when peace should be made, not only the particular claims of America, but the different views and interests of the other belligerent powers, would be promoted or reserved.

He next spoke of the justice of the war. He said, he had supported it throughout, and never gave a single vote, which, were he in a similar situation, he would not repeat. He never conceived a doubt upon the right of this country over her Colonies, nor was he less persuaded at the time of our ability to enforce it. Yet, unhappily, he was mistaken in the event, though he had every reason to believe, that the power was with us as well as the right, but from a variety of cross and unforeseen accidents, which might or might not have been possible to prevent, he feared the opportunity was lost.

The honourable gentleman, who made the motion, and a right honourable gentleman who spoke lately, [Mr. T. Townshend] had inveighed, in terms of severity, against the authors and promoters of the American war. They were described as wicked, cruel, blood-thirsty, &c. These were strong epithets, and, if well founded, would equally apply to men of all political descriptions, as well to particular sets of men as to parties; to those that were out as well as those that were in. In fine, if it was a wicked war, conceived in folly, prosecuted with rancour, and directed with tyranny and oppression, the accusation would extend much farther than those gentlemen would wish: it would reach their friends equally with their opponents. When the stamp act was passed, there was not a single dissenter, nor of course a division. In the next year when that act was repealed, under the administration of Lord Rockingham, the declaratory law was passed, which asserted the rights and power of this country over her Colonies in the most full and ample manner. In the course of the debates on that subject, a very high and respectable character, then in that House, and who it was the custom with those who opposed the present administration to bestow the warmest eulogiums upon, he meant Mr. Pitt, in describing the relation subsisting between both countries, drew the line between internal and external taxation. He contended, that we had no right to tax the Colonies for the purpose of raising a revenue within them; but was so clear and explicit on the right of laying external taxes, customs, or port duties upon their commerce, that he said, an hob-nail ought not to be permitted to be manufactured in the British Colonies without the consent or sanction of a British Parliament.

In a full avowal of those sentiments, when he came into an administration supposed to have been formed under his auspices, the very next year, duties were laid on the import into the Colonies of certain commodities therein enumerated. When the same great man retired from public business, and the King's government was under the direction of the Duke of Grafton, upon a resistance having been made to the collection of those duties, in the year 1769, two regiments of infantry were sent to Boston, in order to compel a punctual obedience to the law passed by the British legislature. At the two latter periods, a noble law lord, high in reputation, and who had since opposed measures of a similar nature [Lord Camden], presided on the woolsack, had a seat in his Majesty's
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councils, and in the double capacity of lawyer and statesman, in the Cabinet and Parliament, supported, or at least, by his conduct, countenanced those measures, which he had heard that night furnish matter of such pointed censure and severe animadversion. He should not proceed farther in detail, but just observe, that when coercive measures were first adopted, he meant the bringing in and passing the Boston port bill, from which law the present war directly originated, the very gentlemen, who were now most violent in their disapprobation, remained silent and inactive. There was not a division, not a single debate on the subject. The bill, if it did not pass unanimously, certainly met with no opposition. So that if the American war was wicked and impolitic, it received the sanction of every man, whom gentlemen on every side of the House deemed to be able, honest, and respectable. It received the approbation of some gentlemen in that House, who were now the most violent, loud, and severe in condemning it.

He then recurred to the grounds of objection he had stated in the beginning of his speech, namely, the impossibility of discriminating America from the rest of our public enemies, or drawing a line between her and France, Spain, or Holland, particularly France. He contended that they were embarked upon the same bottom, and must rise or fall together. America was now a public and avowed enemy to all intents and purposes. There was no possibility of qualifying or separating their claims or interests from those with whom she was combined. So far from it, that he much doubted whether if even inclined to come to terms of accommodation, she had it in her power; another party was concerned, France had mingled in the quarrel, and it rested as much on her as on us, whether American should be independent? Rhode-Island and its dependencies were already in the actual and positive possession of France. She had fortified it in the strongest manner, and by the account which appeared in the news-papers, and which bore every appearance of truth, the cannon, stores, &c. captured with the 64 gun ship which carried them, were designed to strengthen the fortifications and other defences already constructed, or to be constructed in that province.

Upon the whole, if the measure of subduing America was wicked or impolitic, the wickedness or impolicy could not be fairly or justly attributed to any one party, description, or set of men in or out of office. The ablest men in the country,

try, of the first rank, title, fortune, abilities, and character, had assisted in it, and whatever the final event of it might prove, whether fortunate or unfortunate, it never could be deemed, at least during the present generation, a wicked, oppressive, and diabolical war.

Lord John
Cavendish.

Lord *John Cavendish* said he did not mean to rise, but something which had fallen from the right honourable gentleman who spoke last, made it necessary, lest the House might go away under any persuasion that the right honourable gentleman's argument was founded on facts, correctly stated, either in the general or particular. So far as the general argument was intended to be pushed, he thought it totally inapplicable and ill-founded; for he should ever think there was a very material difference between stating and declaring a right presumed to be vested in Parliament, as the sovereign or supreme power, and employing measures of force and coercion in maintenance of that right. Besides, it was not fair to conclude that the declaratory law, which asserted a general undefined right, namely, "to bind the Colonies in all cases whatsoever," pointed to the assertion of a particular mode of exercising it, namely, a right to tax, which claim had been renounced in the very same session by a repeal of the stamp-act.

As to the conduct of ministers in the succeeding administration alluded to by the honourable gentleman, it could not be supposed that either he or those who thought or acted with him were in any wise responsible for their conduct, not having been either directly or indirectly privy to or acquainted with their motives. The right honourable gentleman spoke particularly to a transaction of a later date; the Boston port bill and the other measures which were connected with it. He presumed it was irregular and unparliamentary to take notice of what passed upon former occasions in that House, and still more so when the reference was made to a remote or distant period; but as it had been permitted, he looked upon himself at liberty to explain his own particular conduct, and the motives on which he acted.

The honourable gentleman said, there was no opposition made to the Boston Port Bill in that House. He was persuaded the honourable gentleman must have forgot, because he did not think him capable of wilfully misrepresenting, or designedly misleading that House. The fact, he believed, was directly the contrary; for, if he remembered right, there was a very strong opposition made to the measure. But be that

as it might, he well recollected his own conduct on the occasion. He protested strongly, and directly against the measure; and, as well as his memory, at so remote a period from the time could serve him, he remembered his words were—"In God's name, if the people of America are not disposed to continue under the British government, do not attempt to coerce them, or compel obedience by force of arms." These were his sentiments, and they were founded on this maxim, which, ever since he had turned his attention at all to political subjects, had been invariably fixed; that all government being founded in choice, arising from popular approbation and public opinion, he thought that either this country should have conformed to the wishes and desires of the people of America; or if the bonds of union, by which the Colonies were willing to bind themselves, were such as the mother country could not approve, or appeared to be incompatible with their reciprocal interests, in that case Great Britain should forego her claims; no matter whether real or ideal, and leave the Colonies at liberty, either to establish some form of government, or when experience might effect a change in their sentiments, leave an opening for them to return to their former condition and ancient connection.

It was very necessary to enter into further explanation. He hoped he had so far explained his conduct, and the conduct and motives of those with whom he had the honour to coincide and act, as to fully satisfy the House, that he and his friends were utterly averse to risque the calamities of a civil war in the maintenance of mere speculative opinions; indeed, they had given the most convincing proofs of it, by promoting the repeal of the Stamp Act; and that when coercive measures were strongly objected to them on the ground that government ought to arise from choice, not compulsion, because dominion was not worth the preserving on such terms. He said, the honourable gentleman who had made the motion had supported it so ably, and urged such a variety of strong reasons in its support, that he did not think it at all necessary to add a syllable on the subject. He disapproved of the American war in the commencement and in all its stages. Now, however, all argument was at an end. America was lost; and what in the out-set might be considered by some gentlemen as a matter of right, had now assumed another form, and was indisputably no more than a question of expediency.

*Ld. George
Germaine.*

Lord George Germaine spoke next, and entered fully into the question. His Lordship began with professing, that though he rose to oppose going into the committee, he did so only from a firm conviction that the honourable gentleman's proposition could not promote the establishment of peace with America; for, was there the most distant probability of effecting that most desirable end, by acceding to the present, instead of giving it his negative, he should feel it his independent duty, and a high honour to second it; but if, on the contrary, he believed, as he confidently did, that to form a committee on the American war, and pass therein, that resolution the honourable gentlemen intended to move, would set peace still farther at a distance, and afford at the same time, a triumph to our enemies, it was his duty strenuously to oppose the motion. No gentleman was more inclined to peace with America than he was; no man would go greater lengths to obtain it; and no gentleman who heard him, more sincerely lamented the innumerable calamities and inconveniences that resulted from it. Had the only measure now offered to the consideration of the House been that of forming a committee to deliberate on means of restoring peace, he might perhaps have been at a loss whether to resist the proposition, or concur in it; but the honourable gentleman, with a degree of openness and candour, which always marked his parliamentary conduct, had fully anticipated the business of the committee, by avowing, that no better means would be proposed therein, for effecting the salutary end in view, than that of directing his Majesty's ministers to make peace with America. Here then he could not hesitate to say, that no good consequence whatever could result from the committee, for it was only to compel ministers, where compulsion was not necessary, to make them do what they ardently longed for the ability of doing; he had repeatedly declared on former occasions, and he would do so again on this, that no person existing would be more happy at the restoration of peace with America than himself; he should pronounce that the happiest hour of his life wherein he saw an opportunity to conclude the war on safe, advantageous, and honourable terms to Great Britain. These were his sentiments, these were the sentiments of his Majesty's ministers in general; and could they possibly wish otherwise? Did they wantonly protract the war, or let slip any occasion of making peace on conditions which the legislature would approve, he scrupled not to say their conduct ought to undergo a parliamentary scrutiny,

scrutiny, and punishment ought to follow the conviction of a crime so pernicious to their country. This was the public security, and a very sufficient one for the vigilance of ministers, in embracing the first favourable occasion of restoring peace with our Colonies, that they would be amenable for their conduct to Parliament; but to pass any resolution, compelling them to make peace, without furnishing the means of doing so, would be as dangerous as inutile, and superfluous; for it would be declaring at once the dejection of this country, and proclaiming to our enemies, that we had restored a peace on any terms they thought proper to prescribe. What might France then say to America! knowing, along with the resolution of that House, the debate which preceded it; knowing that the impracticability of success had been assigned as the reason of laying so unprecedented an injunction on ministers. This would assuredly be her language, "You see the dejection and despondency of Great-Britain; she is dispirited; she can no longer continue the war, but must have peace on any terms: hold out then but one year longer, and we shall be able to exact whatever conditions we please; you will then no longer have any thing to apprehend from this power; will be under no necessity of forming political or commercial leagues with her, and I will institute a perpetual alliance with you on such favourable terms as will infallibly make you an opulent, splendid, and powerful nation. Thus that strange restriction on the executive power, proposed by the honourable gentleman, would, instead of accelerating the period of the war, only tend to retard it, by giving fresh courage to the confederate powers, and new motives for being refractory, degrading, at the same time the national character of this country, which used to flourish under difficulties, and surmount by resisting them, instead of making puerile confessions of her despondency and weakness. But for that intimation of his plan, which the honourable gentleman had very properly given, he should have been inclined to expect some propositions in the committee very different from that in question; for as the House had determined recently, that no new powers were necessary to be vested in the Crown for the purpose of restoring peace, and as there could be no doubt of the disposition in ministers to effect it if possible; nothing more could consistently be done but the settling upon those conditions on which they were to treat. He should have expected therefore, that the independency of America would have been proposed as a ground of pacifica-

tion, especially as the honourable gentleman had himself declared, that this was the equitable and necessary preliminary. Had the honourable gentleman actually moved such a resolution as this, it would perhaps have been the best way of taking the sense of the House on the difficulties which prevented the conclusion of a peace; for to admit the American claim of independence was the only means of opening a negotiation at present, consequently of enabling ministers to obey the injunction proposed to be laid upon them. Every thing short of this had already been conceded on the one side, and rejected on the other, for by the conciliatory bills every idea of taxation, that original ground of discussion, had been renounced; consequently it was vain to expect any vote of that House could induce America to treat, except we were prepared finally and solemnly to relinquish our right of sovereignty. Was Parliament then ripe to say, that those Colonies, once the most valuable appendage of our empire should be for ever dissevered from the parent state? If they could submit to such abasement, he would not! He had protested most solemnly before, and would now repeat his protestation, that neither in his capacity as a member of the legislature, nor as a servant of the Crown, would he ever declare America independent of this country: never should his vote concur with so humiliating a declaration! Never should his hand be instrumental in such a surrender of British honours and interests. It was not to be argued, "Why, she is virtually independent already, and you only recognise the right without giving the possession;" for between the claim of violence and that of law, there lay a broad distinction, which such an act would take away; it was a material essential difference to Great Britain, whether her Colonies were independent by their own usurpation, or by the authority of Parliament; and whatever might be the events of war, he should hold it highly dishonourable to the legislature of this country, should they purchase peace by the renunciation of their constitutional rights.

But when we talked of making America independent, it was more perhaps than our power could accomplish. We might, indeed, release her from the bond of her natural allegiance, and bid her be her own protectress: but would France guarantee the liberties of America? Would France also give her independency? In all probability, no! and she would only be dissevered from Great Britain, that she might be subject to a foreign yoke. A noble Lord (Lord J. Cavendish)

vendish) had said, "If our Colonies will not receive our sovereignty, let us bid them go and prosper;" for, added his Lordship, "we should only accept the allegiance of a willing people." Were the question to be agitated between two states that never had been united in a common bond of allegiance, this sentiment of the noble Lord might be very just; for unquestionably there it would not be just to force a connection, except both parties were inclined to it; but such a mode of reasoning between a parent state and its rebellious Colonies seemed a little singular, and was such as he could by no means subscribe to. What! was the supreme authority of a state to say to its revolting members, because you are disaffected, because you choose to infringe the law and the constitution, be independent, I will govern you no longer! Such a rule of policy must infallibly tend to dismember and annihilate the largest empire in the world. Yet how could we, even admitting the justice of such a principle, adopt the noble Lord's phraseology, saying to America, "Go, and prosper!" His Lordship said, he had given that advice some years ago; perhaps if adopted then, the words might have had some sense, but now they would be totally absurd; for to bid our Colonies "Go, and prosper!" would be insulting their wretched situation; since, by the treaty with France, they became incapable of protecting their own liberties from the ambition of their deceitful ally. We should therefore, in such a dismissal of their allegiance, only add an extensive territory to the dominions of France and Spain, which by wise, resolute, and prosperous measures, we could reclaim to ourselves, and which would enable us to withstand the united force of all Europe.

His Lordship now adverted to Mr. Fox's strictures on the Gazette, and objected to all the inferences he had drawn relative to the disposition of the Southern Colonies. Lord Cornwallis's expedition had been considered as an improvident one, and was said to have been undertaken on the misrepresentations of government. But what grounds had the honourable gentleman for forming such an opinion? for the General's letters contained not the most distant intimation of the kind, which, considering he wrote not only like an able officer, but a man of business, would not in all probability have been omitted, had the expedition been in fact rendered fruitless by erroneous information from any quarter whatever. Of this he could solemnly assure the House, that if there was error in expecting to find many friends in North

Carolina, the deception had at least been mutual between Lord Cornwallis and ministers, for that intelligent and active General had not failed to inform himself what the inclinations of the inhabitants were, and had repeatedly mentioned in his letters, that a very large proportion of them were loyally disposed: if ministers therefore believed our friends in that province to be numerous, the opinion was partly taken up on the General's own information. That this idea actually prevailed was certainly true, and that it was not erroneous, might be easily proved by the dispatches in question; for we found, that no sooner had the British forces occupied the province than a considerable body of loyalists rose, and were on their march to join them, when they were unfortunately intercepted by the rebels, and inhumanly murdered! Surely, after such an example, it was not surprising that the rest of our friends should be intimidated from rising till they were absolutely certain of protection; and it was not to be inferred, that there were no more loyalists in the province, because no others had attempted to join Lord Cornwallis before the battle of Guildford. Could gentlemen point out any instance in the history of civil wars, wherein the spirit of loyalty was so very warm as to break out immediately after a terrible example like this, wherein men overlooked every personal consideration, and manifested their attachment to a public cause, careless of certain ruin to themselves? If they could, he would concur in any comparative censure on the inhabitants of North Carolina, for not paying with their lives the price of their allegiance.

The honourable gentleman had also inferred, that this province was disaffected, because Lord Cornwallis found a difficulty in subsisting his army. If such an inference was fair, a similar one might be drawn to prove them equally disaffected towards the Congress; for, when General De Kaal, who immediately preceded Gates in the command, occupied the same province, he was reduced to the greatest straits for want of provisions, and was obliged to inform the Congress by letter, that, unless he was recalled from thence, or supplied with provisions from some other quarter, the troops would be starved. This difficulty had been experienced, in a greater or less degree, by every army that had marched through North Carolina since the commencement of the war, and arose from natural causes; for the province was large, thinly peopled, and only cultivated in detached districts; consequently it was a matter of extreme difficulty to collect

collect together regularly provisions enough for the subsistence of a large body of men, and the Americans themselves always had recourse to other provinces for victualing their armies: that of General Green in the present instance, was subsisted from Virginia.

Thus the two chief grounds on which the honourable gentleman had questioned the loyalty of this province were shewn to be fallacious; for our disadvantage had arisen in one case from natural causes, and in the other from the violent measures of the enemy. This last was a superiority over us, which we did not envy them, but wished them ever to retain; it strongly marked the distinction between the different objects for which the two parties were contending, ours to reclaim revolted subjects, and theirs to establish the schemes of ambition and the ruin of the parent state. They acted consistently with their cause, in violating the rights of humanity and the law of nations, in murdering their fellow subjects, because they differed from themselves in opinion; but to retaliate would be unworthy of the motive which led our armies into the field, and never could be enjoined by any minister, and he trusted, if it were, no British General would be found base enough to execute the order. This persecution then was an advantage, of which our enemies might always, if they pleased, avail themselves; but while it disgraced their arms, it also fully evinced the weakness of their cause, and the disaffection of the people at large, to the tyrannical yoke of rebellion; for no government would thus trample on humanity, if it were not absolutely necessary to its preservation; if it was not requisite to secure by force and and terror that obedience which would not be paid from choice.

His Lordship, in farther proof that Lord Cornwallis had grounds to expect loyalists in North Carolina, observed, that this province, as well as its neighbouring one, had long been backward to take any active part against us. In the action at Guildford there were only two battalions from both the Carolinas, and these went off in the very beginning of the engagement, though only one man of their body had been wounded; but what was still more remarkable, though Congress had demanded of these two provinces 2600 men from the one, and 2800 from the other, as their quota of continental troops, not a single man had been granted.

The honourable gentleman had endeavoured to depreciate the victory of Lord Cornwallis, by saying it was followed by
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all the consequences of a defeat; this was an extraordinary supposition, and could hardly be seriously made if the honourable gentleman considered one moment the grounds on which it was supported, for the most important good consequences clearly resulted from defeating the rebel army; and as to the movement of our forces afterwards, it was not as he asserted, back again towards their former station, but across the country towards the sea; surely it was no symptom of defeat, because the general, unable to obtain supplies in an exhausted country, had recourse to his own magazines. That the country being exhausted was the true cause of this impediment to Lord Cornwallis, and not as had been stated, the disaffection of the province. A material good consequence had resulted from the second defeat of General Green, for it was by the necessity of that General's dividing his forces into foraging parties that Lord Rawdon gained a favourable opportunity of attacking him.

He proceeded to answer some other arguments of Mr. Fox's, relative to the general conduct of the war, particularly the evacuation of Philadelphia, on which measure that honourable gentlemen had been particularly severe. His Lordship begged him and the House to recollect, that the march from Philadelphia was immediately consequent upon the promulgation of the treaty with France, and arose in the just apprehension of a French fleet being sent to block up the mouth of the Delaware. It was obvious that such occurrences as these must necessarily change the whole system of the war, consequently that the capture of the city in question, and its evacuation, might both be measures of good policy.

After these and a variety of other remarks in answer to Mr. Fox, his Lordship concluded by professing again his wish for the restoration of peace. He should never cease, he said, to lament the necessity of protracting a most expensive and unfortunate war; but though a pacification on honourable terms was what he most ardently desired, he would rather encounter the most distressing difficulty than ever consent to renounce the right of sovereignty over America by an act of the British legislature; but as without such a concession on our part, peace at present could not be established, he must oppose going into the committee for the purpose of making a very impolitic and inefficacious vote.

Sir George Savile.

Sir George Savile observed, that the noble Lord had said more in favour of the motion made by his honourable friend than he had urged in the course of the debate. The noble

Lord

Lord supposed that America might yet be recovered, but by omitting to state the grounds on which this opinion was formed, he gave a pretty convincing proof that he believed America to be lost. He would not have forborne to state them if he had had any good reasons for his supposition. The only hope that the noble Lord had ventured to hold out, a very poor one indeed, was, that this country had many friends in the two Carolinas, notwithstanding that they were afraid to come forward or to shew themselves, lest they should be overpowered and massacred by their inveterate enemies; which amounted precisely to this, that our friends were numerous in these provinces, but our enemies were much more so; or which was the same thing, were more powerful. This was in fact to say that we had no friends; or that if we had any, their friendship was tame and passive, and consequently useless. The chief of the noble Lord's other arguments were exactly of the same sort. His Lordship tells you, says Sir George, that the country is so exhausted, or the people so unwilling to dispose of their commodities, that no provisions are to be had; an acknowledgement of a most melancholy and alarming nature; but the noble Lord consoles himself and comforts this House with observing, that the Americans felt the same distress when they depended for supplies on the internal resources of the country. The noble Lord however, in his zeal for establishing a favourite fact, has furnished an unanswerable argument against what he so strenuously laboured to prove; for surely, by saying that a want of provisions was common to both armies while acting in the Carolinas, he destroyed his former assertion, that the British army was the most favoured. But the noble Lord had said more, he had owned that while the British army was starving in the midst of their friends, the rebel General Green was plentifully supplied from Virginia and the neighbouring colonies. These were the only reasons which the noble Lord thought fit to assign for his expectations of future success, that Lord Cornwallis and his army were starving in the midst of their friends, and Mr. Green well supplied in the midst of his; that his Lordship's friends were afraid to declare themselves, and that for the best of all possible reasons; because if they should attempt it, they were sure either to be captured or be massacred in cold blood.

The noble Lord, and several other gentlemen who spoke on the same side, had declared, that they wished for peace, and lamented the enormous expence incurred in the prosecution

ention and the continuance of the war in very warm terms. Some of the gentlemen despaired of success; but they all agreed in one point—Let the war continue, it must be prosecuted. The only mode, said they, of procuring a successful peace is the prosecuting an unsuccessful war. It was a general received opinion heretofore, that a successful war was the forerunner of an honourable and advantageous peace, but now the proposition was reversed in all its parts.

It has been acknowledged repeatedly in the course of the debate, that we can never succeed by the way of arms. Well then, says the motion, let us see what may be done by treaty. No, say the very same persons, we will continue to try what we know cannot succeed, and firmly and peremptorily reject what may possibly succeed.

But the noble Lord says, that offers have been tried; that propositions have been repeatedly made to no manner of purpose; no doubt they have, and would fail again if of the same nature; but the noble Lord has forgot the most material part of all the business; his Lordship has forgot to add, that so much was offered at each time as ministers foresaw would be refused. While America remained contented to continue our subjects, no, said ministers, you shall not be our subjects unless you consent to be taxed. Then comes their petition of right; no, said ministers, we will not hear you; and so on, step by step, till at length the Colonies declared themselves independent. Here he went into narrative, and endeavoured to shew that no one concession was made but with a view to divide the people, and each effort having proved unsuccessful, then the noble Lord who spoke last, returned to his original ground of unconditional submission; that is, the power vested in his Majesty's commissioners of declaring such a colony, town, district, &c. to be at the King's peace, when they shall have laid down their arms and submitted to the will of the conqueror.

He then spoke to the point of expence, and the enormous sums annually expended to no manner of purpose, or rather to the worst of all purposes, that of corrupting the representatives of the people; raising twenty millions annually, and distributing a very considerable part of it among the members of that House. While the noble Lord who spoke last was employed in exhausting or draining out the best blood in the nation, the noble Lord in the blue ribbon was no less industrious in draining the pockets of the people. This led him to speak of the late loan, which he branded with

with almost every opprobrious epithet in the English language; it was, he said, to the last degree corrupt, venal, and disgraceful; it was robbing and plundering the nation, in order to bribe with the spoil the members of that House, to persist in a conspiracy for the ruin and destruction of their country. It was saying in plain terms, we know you disapprove of this accursed, ruinous, and diabolical war; but it being necessary for the preservation of our power that the war should be continued, if you will therefore raise thirteen millions on your constituents, you shall have one of them yourselves. He observed, that ministers had not only plundered the people, but their defenders and friends publicly supported this right of plunder, and this division of the spoil; for, in the course of the debate on the loan, he had been informed, for he went away early in the evening on account of sudden indisposition, that an honourable member, in reply to some observations made by his honourable friend who made the motion [Mr. Byng] maintained, that to be sure if there was any advantages to be derived from the loan, it was natural that the noble Lord in the blue ribbon would give a preference to his friends. His honourable friend produced a list of those who were refused; he procured the ostensible list of those who were accepted of; and if he had succeeded in his motion for producing the names of the weak and tender nerved gentry, who were provided for in the list, though their names were not inserted in it, he made no doubt but that such a scene of iniquity and public robbery would have been detected as never before disgraced the annals of any nation.

He spoke to a great variety of other particulars, and concluded with lamenting, with his honourable friend who made the present motion, that he did not expect the least success from his spirited and honest endeavours. He was convinced, that so long as it remained in the power of the minister, besides his standing resources and means of corruption, such as places, pensions, contracts, &c. to call in to his aid a million sterling to be shared among his accomplices, that we must continue to be led on in the high road to inevitable destruction, while we had a man to fight or a guinea to spend.

Mr. *Charles Dundas*, in a short speech, supported the motion. He said, the late accounts from Lord Cornwallis were of a very melancholy and alarming nature; that while they announced victory, they were fraught with present disasters, and promised nothing but future defeat, and of course pointed out the immediate necessity of desisting from the farther prosecution

Mr. Charles
Dundas.

prosecution of the American war; or if it were possible, upon the ground of the present motion, or any other of a similar nature, by the means of treaty, to endeavour to effect an accommodation upon the basis of mutual advantage, it was now, he was persuaded, too late to hope, or even think of any other mode. Coercion was now clearly become impracticable, and peace, upon almost any terms, had become infinitely preferable to a ruinous and unprofitable war. He spoke to some other points, which had been discussed in the previous part of the evening, and concluded his speech with declaring sincerely, that he was totally averse to the further prosecution of the American war.

Mr Turner. Mr. *Turner* said, he heard with peculiar pleasure the noble and manly sentiments of his honourable colleague, who spoke some time since [Lord John Cavendish]. He was happy in representing the same constituents, (the citizens of York) and they, in turn, ought to be proud of such a representative as the noble Lord had proved himself that night, as well as in every other part of his public conduct. He was present the night the noble Lord made use of the expression his Lordship had this night alluded to. He heard him say, as if speaking to the people of America, "If you are not contented to acknowledge our government, and remain united with us, in God's name go, and prosper, and devise some other form of government, better suited to your genius and disposition, and more likely to render you happy." He was, at the same time, and now, precisely of the same opinion with his noble colleague. He had learned, and had been taught from his earliest days, upon principles of sound whiggism, that all government was founded in compact, which compact was no longer binding, than it was up-held by mutual consent, founded in mutual approbation; when, therefore, the noble Lord at the head of the American department, and the noble Lord in the blue ribbon, advised and recommended to that House measures of force, and the former contended for unconditional submission, he had constantly set his face against it, and would that instant persist in doing so, though the events of war had turned out as favourable as they had hitherto proved disastrous and unfortunate. The claims of this country were founded in cruelty, tyranny, and injustice. Providence had graciously controuled, over-ruled, and finally defeated them; and almost every event which had taken place in the course of this ill-fated war, had been regularly and progressively predicted by the side of the House on which he sat.

A right

A right honourable gentleman who spoke early [Mr. Rigby] had asserted, that every description of men in that House had supported the American war. It was false; it might not be parliamentary language, but he would repeat, it was false; he for one, never had, and he could answer, if called upon by his constituents, that he never would. He abominated the war, and every measure that led to it, because he looked upon it to be a wicked war, and he knew many persons who united in opinion with him on the subject. The right honourable gentleman said likewise, that there was no opposition made to the Boston Port Bill. In this the honourable gentleman was equally mistaken. He opposed it. Several other gentlemen opposed it. It was more than once debated, and it was not at so very remote a period but he could well recollect the language; the mad and inflammatory language employed to render the members of that House as mad, as resentful, and unfeeling as those who made use of it. He remembered one gentleman, since deceased [Mr. Van] in his zeal, chose and fought under the motto of *Delenda est Carthago*; let Boston be burnt, let it be razed to its lowest foundations. He remembered another learned gentleman [the Lord Advocate of Scotland] recommended starvation as the most efficacious means of compelling America to submit to unconditional submission; and a third gentleman likewise, he believed, then in the House [Mr. Vyner] was so very sanguine, violent, and earnest in his wishes to subdue those proscribed rebels, as to make a tender of seventeen shillings in the pound out of his landed property towards effecting at once so wise and glorious an undertaking.

He next repeated the numerous provocations which had been given to the Americans before they could be induced to take up arms; the various acts of tyranny and cruelty which had been exercised over them in the progress of the war; and the more numerous arts which had been resorted to by ministers, in order to lead the nation into the war in the first instance, and to keep them in it when they had once embarked; but in spite of all the attempts which had been made to seduce and betray them at one time, to bully and subdue them at another, the people of America had nobly withstood them all; they deserved to be free, for they fought for the preservation of their liberty; their enemies deserved to be defeated, and ruined too, for they had endeavoured to oppress and enslave men equally intitled to be free with themselves; but who, on account of their magnanimity,

nimity, their patriotism, and their invincible bravery and resolution, were infinitely, as men and citizens, more deserving of liberty.

In the whole progress of this wicked business, he could not but lay his hand on his heart, and aver, that he never gave a vote, directly or indirectly, for even countenancing, much less supporting the American war. If the farther prosecution of it was likely to promise success, he would still remain equally averse to it; but as no such prospect was, or could be held out, or even looked for, he had additional reasons for giving his vote for the honourable gentleman's motion. It would be a free and unconnected vote, for he was a total stranger to any connection but that which had the sole and exclusive benefit and prosperity of his country for his final object, and the preservation of the constitution for its basis. The King, Ministers, nay the very Parliament itself, were constituted for the benefit of the people over whom they were placed, not for the aggrandizement of their governors. When, therefore, people talked of power, and of resistance to it, &c. they must mean right, for there was no legal or constitutional power which was not founded in right; nor any right which was not ultimately for the benefit and advantage of those who by compact, or common consent, created that right in the persons of their governors, as sanctioned, explained, or marked out by the essential forms of the constitution.

After being very full upon this part of his subject, and having entered into the consideration of several miscellaneous particulars of less moment, he alluded to the enormity, scandalous speculation, and waste of money, which had happened by the management of the last loan. He highly approved of the language used by the honourable Baronet who spoke lately, [Sir George Savile] and charged the noble Lord in the blue ribbon with abusing the trust reposed in him by the constitution, his sovereign, and the people, and diverting the monies which had been voted for the public service, in bribing the representatives to betray the interests of the dearest and most important nature, which had been intrusted to their care and protection.

Lord Howe. Lord *Howe* called upon the noble Lord, the Secretary of State for the American department, to explain a particular expression made use of by him. He had, he said, taken a note of it while the noble Lord was speaking, and lest it had not been correctly taken, with his Lordship's permission,

lie would read it. The noble Lord's words, as he understood them, were, "that there was no good ground for charging administration with having received bad information, and upon that information, having misled Lord Cornwallis, for supposing the King's servants had been misled, or misinformed, so had the noble Lord at the head of the North Carolina army; for the noble Lord had, as well in all his private as public dispatches, held out his most favourable expectations, and had represented the inhabitants of the Carolinas as generally loyal, and extremely well disposed to the royal cause." He thought it necessary to have this matter cleared up, because, though he had not the least doubt of the noble Lord's having the most distant wish to retract what he had said in so full an assembly, yet he thought upon a subject which he deemed of so singular importance, it would be every way more proper, that whatever was said, should be explained, and whatever was explained, should be perfectly understood in the sense it was really and truly intended.

He found himself personally interested on the present occasion, as well in a public as a private character. He stood in a situation which, he thought, made it necessary for him to explain the ground and motives of his conduct while acting in a public situation; while acting in the double capacity of a naval officer and one of his Majesty's commissioners for restoring peace to America. The matter of explanation he now called for, might apply to him on the general principle, though, perhaps, not effect him as an individual. It was true, the moment was not yet arrived when it became in his opinion, necessary to enter into particulars; but he foresaw, that probably a period would arrive when it might be otherwise. He anxiously waited for that period; and, in the mean time, took this opportunity of endeavouring to draw forth from the noble Lord at the head of the American department such declarations of his sentiments as might be the means of preventing all future misunderstandings or uncertainty, should it hereafter become necessary for him to explain or impart to that House the motives of his conduct while acting in the character of one of his Majesty's commissioners.

Lord G. *Germaine*, in reply, wished to be perfectly understood by the noble Lord: what he said was this, which was in answer to the honourable gentleman who made the motion respecting the presumed bad information which had been received

ceived from hence, and the bad consequences which proved the result of that information: "that if any improper or mistaken information had been transmitted by the King's servant's here, it could not have been the means of misleading Lord Cornwallis; because the noble Lord, whatever intelligence he might have received from his Majesty's servants, respecting the disposition of the inhabitants of the provinces within which he was destined to act, had, in every dispatch or communication he had made to government, held out the most sanguine expectations, that the people of the two Carolinas were warmly and firmly attached to the King's government."

He was led, he said, to understand the noble Lord in this way; that administration were at least as much induced to expect, that the inhabitants of North Carolina would have joined the King's standard, from the dispatches of Lord Cornwallis, as from any information they had received at home. Most certainly, as Lord Cornwallis was on the spot, as he must be presumed to have known the disposition and temper of the people in those provinces, the expectation of ministers was fortified and confirmed by the tenor of his Lordship's dispatches. In this sense he wished to be understood; for though his Lordship's sentiments might not, nor were the original foundation of the expectations formed on this side of the water, they most certainly amounted to a full confirmation of what otherwise might have appeared doubtful or problematical.

Lord [Howe seemed perfectly contented with this explanation, and sat down.]

Gen. Burgoyne.

General *Burgoyne* heard, he said, with no small degree of astonishment, the language held by the noble Lord at the head of the American department; nor should he have rose, but to animadvert upon some assertions and arguments used by the noble Lord, which he knew himself were unfounded in fact, or fallacious in point of deduction. That this country was deceived by ministers from the very outset did not now call for proof; the matter was self-evident, from the state and progress, as well as origin of the war; it was pronounced in terms the most unequivocal and decisive; yet that ministers, at this stage of this disastrous business, should have the confidence to perpetuate the same plan of imposition and delusion, he confessed, created in his mind the most perfect astonishment. It was a question of some doubt with him, whether more to wonder at the hazardous confidence of those

those who contended that America was still recoverable by force of arms, or at the blind credulity of the nation, who, after having for such a series of years, been disappointed, could still continue so infatuated as even to listen, much less rely upon assurances, which could only originate in the ultimate extreme of knavery, or of the most consummate folly.

Considering the capacity he acted in, and the considerable share he had in the prosecution of the American war, it might be urged, with great seeming plausibility, and urged home upon him, that as a senator and a professional man, he had approved of the justice of the war, and undertaken, in part, the bringing this necessary contest to an happy and successful issue. He had apparently done so, he was ready to acknowledge; but as no better opportunity might present itself in the course of the session, he craved the indulgence of the House, while he endeavoured to explain his conduct, as well respecting the motives which induced him to take the part he had done in that House, as the ideas which prevailed in his mind when called upon by his Majesty in his professional capacity, as bearing the King's military commission.

He was ever of opinion, that this country had no right to raise taxes upon America, and if upon no other ground but this, that it had never raised taxes, or attempted it. Custom was law in this instance; it declared the constitution, and the mode of requisition hitherto adopted by this country, and acquiesced in by the colonies, constituted a kind of original compact, which, so long as both countries continued united, was firmly binding upon them in his opinion, or upon neither. So far for the justice of our claims, and the expediency of enforcing them by laws and regulations, whether applied to internal or external taxation.

These were the sentiments of a private individual, unconnected with any party; they might be well deemed the speculative opinions of a speculative man. It was very unnecessary for him to follow the right honourable gentleman on the floor (Mr. Rigby) in his historical narrative of the different measures pursued by different administrations respecting America; or the particular or ostensible parts several persons of the first rank, character and abilities, had taken in the transactions of those times; a period arrived, however, when a majority of that House, with the King's servants, and perhaps a majority of the nation, for the claims of this country were deemed popular, thought it necessary and expedient
to

to pass a law for enforcing a claim upon the distinction of external taxes, or port duties, opposed to the taxes levied within the country. The attempt was made, and the consequences were recent in the minds of almost every gentleman who heard him. The colonies endeavoured to defeat those regulations; ministers persisted in trying to carry them into execution; the final result of all which was, that a most violent riot broke forth at Boston, and afterwards in other of the colonies, soon followed by other circumstances, which clearly denoted a spirit of fixed resistance, by force of arms, if necessary to proceed to extremities.

It was not for him, standing as he did, to argue upon the mere point of expediency; the nation in general seemed to resent this insult, as it indicated a seditious, if not a determined purpose to strike at the dominion of this country, and the supreme and controuling power of the British legislature.

It was just at this instant he was called upon, as a senator in that House, to declare his sentiments, which, whatever they might be as to the mode of deriving financial advantages from America, which, in his opinion, were of the very essence of government, certainly pointed out to him the propriety of maintaining our claims in one shape or another, and, in the first instance, of supporting our authority and the power of government.

In the course of delivering his sentiments in that House, he had expressed some opinions that might, or might not, for aught he knew, been well thought of by administration. Be that as it may, he found himself called upon by his Sovereign, he presumed, through the channel of ministers, for he could pledge his honour, by no direct or indirect application of his own, to render such services in America, in his military character, as he should prove capable of. He had no option of his own; he accepted of the proffered honour, and went cheerfully to America, to discharge what, in the then state of things, appeared to him to be the united duties of a citizen and a soldier; he went, with a sanguine hope, that matters might possibly be yet accommodated upon fair and constitutional grounds; or that if the colonies should persevere in measures clearly indicative of an intention to dissolve the bonds which held them and the parent state together that in that case, melancholy and disagreeable as such an alternative must prove, this country, thus insulted and resisted by her own subjects, should exert her power in compelling obedience

dience to the constitution and the laws, which might be thus trampled upon and violated.

With this intention he went to America; and he went there with some degree of confidence, no less from the information of ministers, that we might not be compelled to have recourse to arms to any great extent or long continuance, than that if we should, such vigorous, timely, and powerful exertions would be made on our part as would promise to put a speedy and fortunate termination to this unhappy, but necessary contest.

But when he got to America, he found the reverse of this happen to be the case in almost every instance which came to his knowledge, the promises and predictions of ministers proving equally illusory and ill-founded. Our armies were neither so numerous as they were represented they would be, nor were they sent out in time; nor did the people who opposed the King's government, at all resemble the description which had been given of them in that House by the King's servants. The very first spectacle which presented itself to him was a melancholy one, and gave directly the lie to every thing he had before heard upon the subject.

He should not abuse the indulgence of the House farther, nor enter into a minute recapitulation of what followed, and which had been much more pointedly and ably stated by his honourable friend who made the motion than he could possibly pretend to do; it was sufficient for him to come to the point of explanation respecting his own particular conduct, when acting in some measure in a separate or responsible capacity, and apply what he had collected from his own experience to the question now before the House.

He should not enter into particulars which had been so often fully stated and discussed in that House, more especially as they concerned himself; he should therefore barely confine what he had to say to such only as related to the exact similarity between his situation and that of the noble Lord at the head of the Southern America army.

When he passed the confines of Canada, and was to enter into the province of New-York, he was assured by the noble Lord at the head of the American department, that he would have numerous and powerful friends to join the British standard; that he would meet with no resistance of any consequence; that he would be partly subsisted within the country, &c. These were the self-same assurances given to Lord Cornwallis: but what was the reception he met with? a most

powerful resistance, in the course of which, the most dauntless bravery and the most obstinate and firm resolution were displayed; he met with troops of timid, or rather, in the words of his honourable friend who made the motion, of treacherous friends, and hosts of powerful and inveterate enemies. Like Lord Cornwallis, he issued a proclamation fraught with threats in case of disobedience, and benefits in case of acceptance, to the inhabitants of the country through which he passed. He either must have passed through the country without stores or provisions, and run the risk of famine, or, as he did, wait for his baggage, and consequently the supply of provisions which he had with him. There were in the province of New-York a few friends; but whenever they made a show or appearance in his favour, or attempted to join him, like the ill-fated Carolinians, they were attacked, captured, and cut off, or had fallen a sacrifice to the resentments and revenge of their brethren! There were other features of his expedition equally common to both. One was, that of false intelligence. The day before the affair at Bennington, he had every fair prospect of success; but the treacherous conduct of timid friends, which led him to make that diversion, totally defeated every one of his efficient plans for pushing forward. Like the rebel Southern army too, while he drew all his supplies from Canada or Britain, the army opposed to him were in general plentifully supplied. An instance of a very striking nature of this kind had come to his knowledge, which was, that they drew their stores and provisions several hundred miles distant, though the road by which they were conveyed was in part within the countries then in possession of the British troops; nay, so certain were they of the attachment of the inhabitants throughout the whole route, that there was not so much as a single file of men sent with them to protect them; on the contrary, they had no other assistance or protection but what the drivers of the carts or waggons might be supposed to give. This, though apparently a trifling circumstance, served to convince him more than any other of the temper and disposition of the people at large, and of the confidence the Congress, and those who derived their power under them, reposed in the people.

The noble Lord at the head of the American department said, in extenuation of himself, that if bad or ill-founded intelligence had been received on this side of the water, and from hence transmitted to Lord Cornwallis, his Lordship had,

had, in all his dispatches, confirmed the King's servants that they had been well informed, as he held out in all his public and private correspondence with ministers; that he was entitled to form the most favourable expectations of the zeal and co-operation of the loyal inhabitants. It was of no great consequence in the event which party had been misled; but it was of infinite consequence to the nation, and to Lord Cornwallis as an officer, that the former should not be abused or imposed on, nor the latter grossly injured in his character as a soldier.

He must confess he had his doubts on the subject; he had himself made private communications respecting the state of affairs, on the spot, which might not have been prudent or proper to publish; he complained of the inadequacy of his force, and stated the disappointments he had met with, and the more that were likely to follow. That House was not in possession of the whole of Lord Cornwallis's dispatches, nor perhaps would it be proper they should; but this point he was desirous to imprint particularly on the sense of the House, that the situation of a General was delicate and critical. He is induced to promise or give hopes of success, upon certain conditions: those conditions are not performed; but the promises made in consequence of the eventual performance of them are quoted, while the breach is concealed. He experienced this in his own case; he doubted it was equally applicable to Lord Cornwallis, and he was the more convinced of this from a circumstance which came vouched to him upon the very best authority, that Lord Cornwallis had not more than fifteen hundred men under his command, whereas if the truth were fairly disclosed, it would be found that he was taught to expect double or treble that number; so that allowing the fact so confidently stated by the noble Lord to be true in all respects, that the British standard had numerous friends in North Carolina to resort to it as soon as erected, and that Lord Cornwallis had held out similar ideas in his dispatches, and upon that presumption held out sanguine expectations of success, the failure and disappointment might nevertheless be imputable to ministers, or be brought home directly to the noble Lord at the head of the American department, because he had not performed his promise or fulfilled the conditions on which Lord Cornwallis had founded his expectations; namely, that of having under his command 5000, instead of 1500 men. Indeed, putting the mere issue of the battle out of the question, every gentleman

must conceive, that if our friends were not protected, detachments spread through the country, and posts occupied, the operations of the army, and the effects would always be confined within the lines, or to a very small circle round them. He concluded, by observing that it would be needless to trouble the House with arguments to prove that the southern campaign in America was nearly terminated, at least so far so, as to put an end to all expectations of any farther solid advantages. If so, he believed he should not be opposed in saying that the loss of America was inevitable. The Gazette bore the most indisputable evidence of it, and after the very pointed, but obvious comments made on it by his honourable friend who made the motion, if any man still retained a doubt concerning the event, he would make a proposition which would bring the matter to a final issue. He would move for leave to call Captain Broderick (the officer who brought over the Gazette dispatches) to the bar; from whom as a man of honour he would undertake to draw forth such information as would fully convince the most prejudiced political sceptic, that the war in North Carolina was now as impracticable as it had proved throughout every other Province into which the British arms had been carried.

Col. Hartley Colonel *Hartley* spoke next. He agreed with the noble Lord who spoke early in the debate, (Lord G. Germaine) that the motion intended for the committee was substantially the same as that which he had had the honour to move but a few days before. He thought however that the present motion came more strongly recommended than the former; for to all the previous experience which we had had, there had been added the evidence of the late Gazette. When he moved the House there were reports in town, that Lord Cornwallis had gained a signal victory over general Greene, and that the most fortunate and decisive efforts in our favour would probably follow that victory. The arguments used against his motion were, that it would be improper to shackle the hands of ministry in the full tide and current of success; that such a conduct would carry about it every appearance of public insanity; that those who conquered were the fittest to make peace; and that it would be time enough to talk of peace when every other means had failed, or when all other expectations of success were destroyed. That period was now arrived; the signal victory and all the golden dreams and fanciful ideas which it had created in the minds of his Majesty's

Majesty's ministers, had, like all other illusions of a similar nature, entirely vanished. The noble Lord at the head of the army in that country has himself said as much. He says, he has got among timid friends and inveterate enemies; that he could procure no information; or that the little he did procure, was given with an intent to betray, mislead, and ruin him; and that his army has like to have perished by famine. On this clear ground then the question now stood; and he called upon ministers either to agree to the motion, or publicly acknowledge that the arguments used by them on a former day were not founded in their real sentiments, but merely taken up as the spur of the occasion, to defeat his proposition, without his having the most distant idea of future success.

Mr. *Adam* rose in reply to the two last speakers (General *Mr. Adam* Burgoyne and C. *Colonel* Hartley) He said that in his opinion, all the arguments made use of to prove the impracticability of the American war, or improbability of coercing America, however well founded, were either extremely irrelative or premature. Hitherto, in times of the highest prosperity, when the public affairs were conducted with the greatest wisdom, and when our arms proved victorious in every quarter of the globe, it was the policy of that House and of Parliament to leave the discretionary exercise of the executive power free and unrestrained, where the constitution had very fitly placed it: namely, with the Crown, or rather with those subordinate instruments which it might think proper to employ. It was on this account chiefly, that he thought it his duty to oppose the present motion. It might or it might not be prudent to make peace with America, even on any terms; that, however he understood the honourable gentleman's motion, was not the question before the House; but merely, whether the Crown should be divested of its constitutional prerogative, in order that Parliament should step in and do that, no matter whether right or wrong, which the constitution had ordained should be executed by the King himself or his ministers.

This being the true state of the case as it had struck him, he should consider it in that light, and that only. The Gazette might admit of the interpretation put on it by the honourable gentleman who made the motion, and by several other honourable gentlemen who spoke on the same side.— It might be literally true what the honourable gentleman who spoke lately asserted, that there was an exact similitude between the honourable gentleman's situation and that of

Lord

Lord Cornwallis; it might be farther true, that America was irrecoverably lost, and that the prosecution of the war in that quarter would be attended with a ruinous expence to no manner of purpose. All this might be the case, though he was, in his present mode of thinking, extremely disposed to doubt it, if not absolutely deny it; and yet, allowing the arguments on that side of the question to be totally unanswerable, he should still be equally against the motion. It would effect no change in his sentiments, though every and each of these facts had been verified at the bar, either upon the general argument, or the supposed circumstances which some gentlemen seemed to think took the present case out of the general rule.

It was, he believed, acknowledged by every gentleman on either side of the House, at least he would so presume, that it was the undoubted prerogative of the Crown to declare war and make peace. The matter then to be decided was, whether there was any thing in the present war which might justify or rather create a necessity for deviating from this established rule? He had not heard a syllable, directly or indirectly to prove the ground of such a necessity; it was not even pretended that he heard, or was any thing of that kind attempted to be stated; the whole that he heard was, that the war was become impracticable, and therefore that the House ought to address the Crown to make peace. This imported, in his apprehension, that the Crown or its ministers had neglected, or were incompetent or unable to perform their duty. To this he would say, that before he could give his voice in behalf of the motion stated by the honourable gentleman, some proof of the actual neglect or inability of the Crown or the King's servants ought to be adduced. Not having heard any thing more than general censures, unsupported by proofs, or any thing which bore the most distant resemblance to proof, urged from the other side of the House, this circumstance alone was sufficient to support the negative he intended to give the motion.

After having very fully argued this point in the abstract, he proceeded to elucidate his argument by referring to historical facts. He said, that during the most happy and successful periods of our history, it had been a constant rule for the legislature not to interfere with the exercise of the executive power; and when Parliament had taken up an adverse line of conduct, the evil effects never failed of being severely felt. In particular, during the reign of that most able

able statesman, celebrated soldier, and magnanimous prince, William the Third, that Monarch's attention, among others of an inferior nature, was specially attracted to the affairs of Ireland. Parliament interfered on the occasion, and controuled the executive power. This unconstitutional controul was no sooner exercised than the bad consequences arising from such an improper and unconstitutional interference were immediately felt. It was felt for a time only to be lamented: our affairs in that island every day grew from bad to worse. Those who perceived the true cause, the unconstitutional and impolitic interference of Parliament, reasoned then as he did now, and truth and sound policy at length triumphed over a factious or mistaken zeal. It was not till early in the year 1691 that King William was left at liberty to act consonant to his own sentiments and that of his council. He was prevented in some measure from conducting the affairs of that country agreeable to his own judgment. As soon as those impediments were removed, the English affairs there began to prosper, and continued in that state till that country was entirely reduced, and peace was restored on safe and honourable terms. The case was the same in several other particulars, which he deemed needless particularly to advert to; and must always happen to be so, whenever the legislative, unless in an instance of extreme or notorious necessity, attempted to controul or usurp those powers which the constitution had lodged in the Sovereign and his immediate advisers.

Were the present argument to be applied to the question before the House, he was convinced it was impossible it could ever be more aptly applied. If peace with America upon her own terms were become absolutely necessary, there was an end of the present business; the interference of Parliament was consequently useless; because what ministers might do without the sanction of Parliament, they could only do with its permission. If, on the other hand, negotiation or treaty was to supersede a state of hostility; or if terms were to be made or procured, ministers would have infinitely a better chance of succeeding while at liberty to treat, negotiate, and agree upon conditions, than if having their hands tied up by a vote of that House, they should find themselves as it were bound by that vote; *id est*, a resolution of one of the branches of the legislature, importing a command to the King's servants to make peace, or run the risque of Parliamentary responsibility, of not making the best possible peace that could be obtained.

Mr.



Mr. Martin Mr. *Martin* said he could not sit silent while it was said in his hearing, that the American war was a popular war. He could affirm the contrary with confidence. That there were very great majorities in that House who voted for it, he was ready to acknowledge; but that there was a minority, even a pretended majority without doors, who were for entering into this bloody, this unnatural and disastrous war, was what he would ever deny, because he knew it to be every way false and ill-founded. He well remembered the art and industry used by ministers, their tools, and emissaries, to procure what they flattered themselves would stamp this war upon the nation with a semblance of popularity, but he remembered likewise the inefficacy of those several attempts. He recollected that their most strenuous endeavours brought forth but a few English addresses while all Scotland, say every little petty borough from one end of that large isle to the other was searched, and acclamatory addresses, filled with sentiments of blood, slaughter, and revenge, were presented at the feet of the throne—to the fountain of mercy!

He totally revolted against the idea attempted to be imposed on the House by the right honourable gentleman on the floor [Mr. *Ridley*] that all administrations, and all descriptions of men in that House and out of it had been friends to the American war. He could with confidence contradict this without reserve, and put him to the proof. The right honourable gentleman had said, “so did this administration, so did that,” but he desired that gentleman or any one of his friends, to adduce a single instance to prove that any one of the persons, parties, or descriptions of men to whom he had alluded, had either directly or indirectly given a sanction to the measures which had actually produced the American war!

Mr. C. 1781
U. 1781 Mr. *Genl. Onslow* said he disapproved of the Stamp Act at the time, and opposed it because he thought it unconstitutional. He had approved of the declaratory law, because he thought it constitutional; and he had ever looked upon the port duties as a measure founded on the basis of the declaratory law, which was meant as an assertion of the constitutional claims of this country over North America. So that, as applying to the respective political sentiments of all parties, he was persuaded that the present war with America was founded in justice, not only upon the principles of the constitution itself, but as sanctioned by every set of men in power since the commencement of the present reign.

He then proceeded into narrative, and seemed to be of opinion, that the Colonies would long since have acknowledged the dominion, as well as confessed the power of the parent state, if the measures adopted on this side the water had been ably or faithfully carried into execution. The period for substantial success had, he feared, completely passed away. Hopes, however, might still be retained if this country was united. At all events, the resources of Great Britain were great; its fleets and armies in some measure invincible; and whatever other gentlemen might think, he was firmly persuaded, that we wanted nothing to insure us success but union among ourselves, and its constant concomitants, firmness, confidence, and resolution.

Mr. *Banks* spoke very ably and spiritedly in support of Mr. *Banks* the motion, and made several pointed observations on what had fallen from the opposite benches in the course of the debate. He would never allow, that the war with America was a popular war, conducted to the extent, and in the manner it had been. The nation had been deceived into it, and the Americans had been compelled, on principles of self-defence, to have recourse to arms. If the offers made in 1777, by the British Parliament, had been tendered in 1774, or indeed at any one period previous to passing the vote of independency, the war would never have happened; or even if the Americans could have safely trusted to the security of the administration who held out the terms in 1778, he believed that the people of that country might have been prevailed upon to rescind the vote of independence, and break off or dissolve their connections with France.

He was extremely severe on the conduct of ministers, respecting the promoting the American war in the first instance, and their total inability in carrying their own plans, crude, ideal, and defective as they were, into execution.

He dwelt for a considerable time on their apparent want of information, on the ungenerous means they had recourse to in order to vilify and blacken the character of every professional man they employed, and the various arts used to throw the odium justly due to their measures upon men who had been so credulous or so weak as to trust to their assurances of assistance on the other side of the Atlantic, and of their protection on this.

It was urged with much force, why divest the crown of the exercise of the executive power, without some proof of abuse or misconduct; or that having had it in their power to make peace with America, they had neglected it.

This surely was most extraordinary language; he would appeal freely and confidently to ministers themselves; for he was certain, were they to answer, they would acknowledge, that from the day the disturbances broke out at the town of Boston to the time that the contents of the declaratory act had reached America, there was not one session passed in which ministers might not have procured much better terms than those which they were afterwards obliged to offer, and which were accompanied with such circumstances of national degradation and disgrace.

Experience, he said, had proved that ministers were no longer to be trusted in devising proper means for restoring peace to this bleeding country, supposing peace to be attainable: the present motion was only intended to pave the way to it upon the possibility that it might be attainable; if it should not, Parliament, the nation, the ministry, would just find themselves where they were before, and after the long and patient trial which had been given to administration, from which not a single salutary consequence had been derived, and from which several fatal mischiefs had flowed, nothing would be risked by the present motion; while on the other hand, we might try what could be done under another system of policy, which would have for its professed object peace, in preference to the farther prosecution of a fruitless war. For those and several other reasons which he had heard stated in the course of the debate, he was fully persuaded of the propriety as well as of the good consequences that might probably be derived from the adoption of the honourable gentleman's proposition.

The Hon.
Wm. Pitt.

The Honourable *William Pitt* rose next, and very particular attention was paid to him. The question had been loudly called for by a particular description of members, but on his rising, all sides of the House were silent, and paid him the respect that was due to his abilities and to the occasion of his rising. The honourable gentleman said, that he was induced to rise from certain expressions that had fallen from a right honourable gentleman on the floor [Mr. Rigby] and another gentleman on the other side of the House [Mr. Adam] respecting the ministerial and legislative conduct of a dear and most respected relation of his [Lord Chatham] with regard to the American war, and the progressive measures which had produced it. He thought it was his duty, as the son of that noble Lord, and as a member of that House, to rise upon the occasion to correct the gentleman who had spoken

spoken, and to prevent the House from going away under a persuasion that the conduct and sentiments of the noble person were such as had been described. The silence of a person so nearly connected and allied in blood and affection might seem to countenance what had been so confidently but erroneously stated. There might be many gentlemen in the House who were well acquainted with the political opinions of that noble person. To them no refutation of the assertions of this night would be necessary; but there might be some who were perfectly ignorant of them, or who knowing them but imperfectly might be deceived by misrepresentations perhaps unintentionally made.

Actuated by these motives, he thought it incumbent to state his relation's opinion, as it appeared in his public conduct, and as it came farther confirmed by private communication made to himself and the rest of his family. The noble person whose name had been so often mentioned in the course of the evening, most heartily reprobated the American war in all its parts, as well on the principle on which it was taken up as its progress, and the ultimate objects to which it pointed. He had expressed himself uniformly so on the subject, and he was persuaded never gave a vote or opinion in contradiction to those sentiments. Those who acted with him well knew it; there were many living testimonies of the truth of this assertion, and innumerable circumstances could be adduced, if farther evidence were required.

The only opinion declared by him, which could have afforded the most distant colour for such an assertion was, that he thought this country had a right to lay duties for the regulations of commerce, duties incidental to the extension of trade, calculated for the mutual benefit of both countries; but not a single tax or duty of any kind for the purpose of raising a revenue in America, to be remitted home, and to be disposable by the British Parliament. This, however, was but a speculative question, totally different and distinct from the doctrines which were productive of the war. Those at least which produced the riot at Boston, from whence it was acknowledged by every side of the House the war originated, did not come within the above description. They were taxes upon the import laid on expressly by the British Parliament, collected under its authority, and intended for the British Treasury; and were not even pretended to hold out any advantage to both countries, but to one only; neither were they directed to promote or extend the commerce of America, but merely to draw out of the pockets of the in-

habitants of that country certain sums of money for augmenting the revenue of this.

These were the true and genuine sentiments of the noble person alluded to; to assert, therefore, that because he approved of one mode of conduct, which was not adopted, that he approved of another system, which he had so frequently and openly reprobated, was a most extraordinary kind of logic indeed. But he could not think that those who argued in this manner expected to bring home conviction to the breast of any man who had not before been made a convert to their opinions.

After explaining his noble father's principles and conduct, in a style of the most manly oratory, and in a strain of the most persuasive eloquence, he proceeded to speak to the question. He said, some gentlemen had passed the highest eulogiums on the American war. Its justice was defended in the most warm and fervent manner indeed. A noble Lord, who spoke early, in the heat of his zeal had called it an holy war. For his part, though the honourable gentleman who made the motion, and some other gentlemen, had been more than once in the course of the debate severely reprehended for calling it a wicked or accursed war, he was persuaded, and would affirm, that it was a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war! It was conceived in injustice; it was nurtured and brought forth in folly; its footsteps were marked with blood, slaughter, persecution, and devastation; in truth, every thing which went to constitute moral depravity and human turpitude were to be found in it. It was pregnant with mischief of every kind, while it meditated destruction to the miserable people who were the devoted objects of the black resentments which produced it. The mischiefs, however, recoiled on the unhappy people of this country, who were made the instruments to effect the wicked purposes of its authors. The nation was drained of its best blood and of its vital resources of men and money. The expence of it was enormous, much beyond any former experience, and yet, what had the British nation received in return? Nothing but a series of ineffective victories or severe defeats; victories only celebrated with temporary triumph over our brethren, whom we would trample down, or defeat, which filled the land with mourning for the loss of dear and valuable relations, slain in the impious cause of enforcing unconditional submission, or narratives of the glorious exertions of men struggling in the holy cause of liberty, though struggling under all the difficulties

culties and disadvantages which are in general deemed the necessary concomitants of victory and success. Where was the Englishman on reading the narratives of those bloody and well-fought contests, who could refrain lamenting the loss of so much British blood split in such a cause? or from weeping on whatever side victory might be declared? Add to this, that while in this melancholy consideration we could perceive nothing but our natural and powerful enemies, or lukewarm and faithless friends, rejoicing in our calamities, or meditating our ultimate downfall.

He said he had taken the present opportunity of delivering his sentiments on the American war. There was not a point in view in which he considered it; there was not a feature which presented itself to his notice, but served the more and more to confirm him in the opinion he had early formed concerning its mischievous and destructive tendency; and he trusted the present opinion he had given would be received as it was sincerely intended; as fully expressive of his principles so far as they might be applicable, or seemed to bear a relation to the American war in all its future as well as former stages.

He made several detached observations on the grounds and motives on which the honourable gentleman had supported his motion, but seemed chiefly to rest his arguments on the injustice of the war in its outset, the innumerable mischiefs it had been already productive of, and the still more fatal and disastrous events it might bring with it, if ministers or the nation should persevere in urging a war, which, whether successful or not, ought not to be farther pursued, because it was totally subversive of the true constitutional connexion by which both countries were united.

The *Lord Advocate of Scotland* said, as it had been the fashion that night for gentlemen to rise and deliver their political creed, he found himself obliged on account of some things which had fallen in the course of the debate to follow the example. He knew it was disorderly to advert to some matters that had fallen in a former debate; yet the rule was almost every day transgressed, and had been particularly so with respect to him by an honourable gentleman on the other side of the House. An honourable Baronet who spoke early said, that he understood that in the night of the debate on the loan, a learned gentleman had maintained in argument, that if any advantages were to be derived from holding sums in the subscription, it was natural and justifiable.

able for the noble Lord in the blue ribbon to distribute those benefits among his friends in preference to those who were known or suspected to be adverse to his measures. Though the honourable Baronet reported this only from hearsay, he was ready to acknowledge that the honourable Baronet had been well informed. The person supposed to use the words was himself. He made use of the expression, and he was ready to repeat it; for he was still of opinion, that if any advantages were to be derived from the loan, advantages incidental to its nature, and which could not be provided against, the noble in the blue ribbon had a right to use his discretion, and distribute the advantages among his friends in preference to his opponents. The honourable Baronet might as often as he thought proper, bestow every ignominious epithet upon the loan, and upon every person concerned in it, or who defended it; it would occasion no alteration in his sentiments. He was proud of being one of its defenders, and should continue to do so upon the principles on which he first took it up. That it was the best bargain in the then existing state of things that could be made for the public, and when the bargain was made, that the minister was fully justified in such a distribution as appeared most agreeable to him.

Another honourable gentleman [Mr. Turner] among other instances adverted to by him, to prove the violence and blind zeal testified by several individuals in that House, in urging measures of coercion, and endeavouring to precipitate this country into a war with her colonies, had alluded to an expression supposed to have fallen from him in an early stage of the unhappy difference. He said, that starvation had been recommended as the most efficacious means of reducing the Colonies to submit to unconditional submission. He did assure that honourable gentleman, he was totally mistaken both in the fact and the application. If ever he had used the word starvation, it was not in any debate respecting the American war. He might have used it, it was a provincial word; and if he had not the good fortune to be so great a master of language, as to possess such a share of classical epithets and elegant expressions as the honourable gentleman, he trusted that the honourable gentleman and his friends would not impute that to him as a crime which could only arise from his not having the good fortune to be born at the south side of the Tweed. It was to be sure disorderly to refer to what passed in a former debate; particularly, when

when reference was had to a period so far distant, but as well as his memory could serve him, if ever he made use of the word starvation, it was not in relation to America, but in a debate on the disfranchisement of the borough of Hindon, or the punishment of some of the electors who had been charged with criminal conduct at the preceding general election. If gentlemen however, thought proper to divert themselves at his expence they were exceedingly welcome; if they loved the joke, in God's name let them enjoy it, he should have no reason to complain; the motive which induced him to take notice of it, was not to spoil the jest, but only to lay in his claim, that in future, honourable gentlemen would please to do him the justice, when they desisted on the word, to attend more faithfully to the application, and not lay it down as a fact, that when he recommended the reducing the Colonies to terms of unconditional obedience, he had pointed out so horrid a means as that of reducing them by famine, or in the adopted language of the honourable gentleman, by starvation.

The same honourable gentleman had spoken to another point, in which he believed he was equally mistaken. It was customary with gentlemen to confound times and circumstances for the purpose of holding him out in a particular light, as being one of the early promoters of the American war, and one of the most zealous abettors of it in that House. He wished that the honourable gentleman had been more correct in his assertions. He would tell the honourable gentleman what perhaps he might deem unworthy of his notice, that he was not in Parliament when the Boston Port Bill was passed, nor when any other of the measures of force which accompanied that act, had received the sanction of Parliament. He had not the honour of a seat in that House before the last general election but one; consequently, all the circumstances which the honourable gentleman mentioned, of the furious zeal expressed in different terms, by some of the individuals of the preceding Parliament, could bear no more relation to his conduct at a subsequent period than to that of any other person in the two kingdoms, who might or might not arrive to the honour of a seat in that House. But said, he begged leave to explain himself, that he by no means wished to forego the merit, or avoid the demerit which was due to those who were most zealous in wishing to enforce the just constitutional claims of this country over her revolted subjects; all he intended or desired to impress upon the minds

minds of his auditors was this : that he had no share as a senator in promoting those measures of policy or coercion which operated as the beginnings, and in fact finally produced the American war.

It was the fashion, as he had said before, for every gentleman who rose to make a confession of his political faith, or subscribe to a kind of political creed ; he trusted that he should be indulged in turn, and that the House would favour him with the same degree of attention which he had shewn to other gentlemen, who had thought proper to explain the principles upon which they had acted. He had entered the House, he could affirm, as an unprejudiced, unconnected man, without any more predilection for ministers than for their opponents. He could lay his hand on his heart, and with truth affirm, that in considering the question respecting the claims and rights of the mother country and her colonies, he formed his opinions upon the subject abstractedly, in respect of parties and individuals, and weighed and decided upon the question in dispute, clearly and exclusively, on the merits, and acted upon no other opinion but his own ; neither was he warped by any other man's, however high or respectable at any side in either House.

What was the consequence ? he waited till some of the great and leading points had undergone a full discussion, and then made up his mind upon the subject, and then, from the moment conviction had reached his heart, he had never, to the present minute, swerved a tittle. He thought, that as soon as America couched in arms, in order to maintain the justice of her cause, Great Britain was called upon to exert all her powers and strength in order to reduce her subjects in that country to acknowledge the sovereignty of the British Legislature in as full and ample a manner as it had heretofore exercised and enjoyed it ; and till that acknowledgment was obtained, never to cease prosecuting her rights. The ideas the noble Lord who spoke early [Lord John Cavendish] entertained of government were very different from his, he must confess ; he recommended to let the Americans go and prosper, as soon as they revolted : for his part, he was against the hearing of any treaty or concession whatever till after the right was as publicly and as unequivocally acknowledged as it had been traitoriously and seditiously denied.

Under this persuasion he voted with the minister upon every great question, because he thought it his duty, and never differed with him till his Lordship had, in his opinion, very improperly departed from the system which he had now described, namely, that of offering terms to our rebellious subjects as long as they continued in arms.

He hoped he had acted candidly; he trusted he had acted consistently, when he publicly disapproved of the conciliatory proposition moved by the noble Lord in the blue ribbon. He recollected he was one among a very few that night who had the fortitude to resist it. He remembered one other gentleman, no less esteemed for his long Parliamentary experience than for his political knowledge and independent integrity, who stood forth on the occasion [Mr. Welbore Ellis] and predicted what in part since happened, that it would produce higher pretensions on the part of our rebel subjects, as we seemed desirous or willing to concede or relax in our just claims. For the rest of his conduct, it was under the eye of Parliament; he acted, from time to time, agreeably to circumstances, never in a single instance abandoning those principles which he at first avowed.

He voted uniformly in support of those measures of government, and could now solemnly affirm, after consulting his heart and his judgement, that he never had cause to regret for a single moment a vote that he had given.

He was ready to agree with some of the gentlemen on the other side of the House, who had drawn the affairs of this country in such exaggerated colours, a picture, he was bold to say, much distorted and over charged; he was ready to allow that it would have been better, merely considering the event, that the sword had never been unsheathed in this unhappy quarrel; but he would add, however adverse fortune had proved, both from circumstances within and from without, that it was not in the compass of a rational mind to foresee, or be able to provide against such a series of extraordinary events, disappointments, untoward accidents, and various contingencies as fell out; yet they must all have taken place, or the war would have been long since happily terminated, and the empire restored to internal tranquility and domestic union.

He should avoid detail as much as possible, but yet he would remind those who only contemplated the picture in one point of view, that ministers must have foreseen that we should have met with such a resistance on the other side of the Atlantic as we had; that the contagion should have spread

all over the North American continent; that our progress and successes would bear no proportion to our fair and probable expectations; that France, and afterwards Spain, would confederate themselves with our rebellious subjects, contrary to every principle of sound policy, public good faith, and repeated assurances of friendship: in short, a fore knowledge of every disaster, every untoward event, every unnatural and unprovoked act of public or domestic perfidy, must be proved, however improbable or impossible, before either ministers or their friends, or the supporters of the American measures, could be fairly accused of being the real authors of our present misfortunes

The honourable gentleman who had made the motion, with that flow of language, he would say, with that impetuous tide of almost irresistible eloquence, so familiar to him, said that America was lost, irrecoverably lost, and that we were now clearly drove to the necessity of accepting from the hands of our rebellious subjects, peace upon any terms they might choose to dictate. The honourable gentleman, besides his general arguments, produced a Gazette, containing Lord Cornwallis's last dispatches, relative to the affair at Guilford court house. He must confess he was by no means convinced of the justice of the honourable gentleman's comments, nor of the truth of his deductions. He was not a military man, and should therefore speak with all possible caution and diffidence upon a subject so totally foreign to his habits of life and to his pursuits, but, if he were to speak according to his judgement, ill-informed as he was, he should still consider the affair at Guilford a victory, as well respecting the action itself as the consequences. What were they? but that after giving the rebels a total overthrow, his Lordship finding himself in a barren or exhausted country, was obliged to desist from following up the blow he had given, on account of the hazard of encountering a much more formidable enemy than those opposed to him in arms, namely, famine, arising from a want of all the necessaries of life. That the action had produced the advantages which were the concomitants of victory, no better proof need be required, than that Greene's force was so much weakened that he was not able to reach Camden time enough to have a decided superiority over Lord Rawdon, in consequence of which his Lordship had taken him unawares, and by that sudden unexpected attack had defeated him a second time. He did not pretend to judge how far it was prudent in Lord Cornwallis to abandon his baggage, and trust to contingent supplies in the course of his future operations; but

but this he was competent to say, that it was a most gallant attempt, and displayed a zeal and spirit which justly intitled him to the thanks and gratitude of his country, and reflected the highest honour upon him as an officer.

He was pleased, at all times, to hear young members stand up in that House and deliver their sentiments upon subjects of importance. He had many opportunities of being pleased that night. It had done the greatest credit to those candidates for public approbation, and displayed an attention to their duty, and the obligations they owed to their constituents and the nation at large, which did them infinite honour. Among others the honourable gentleman who spoke last claimed his particular approbation. He was unwilling to say to that honourable gentleman's face, what truth would exact from him were he absent; but even then, however unusual it might be, he found himself impelled to rejoice in the good fortune of his country, and his fellow subjects, who were destined, on some future day, to derive the most important services from so happy an union of the first rate abilities, high integrity, a bold and honest independency of conduct, and the most persuasive eloquence; but notwithstanding that he was ready to bestow on him the fullest commendations, he thought it his duty to differ with him both respecting a matter of fact and opinion.

He could not think that the American war was unjust, neither was it conceived in folly. The latter might be a matter of mere opinion; but upon the former he was competent to judge from what had passed in his own mind, and he presumed that many gentlemen, or a majority of that House, acted from motives equally pure and justifiable. The honourable gentleman had spoken of a noble relation of his [Lord Chatham] whom he represented as averse from the American war; for his part he was not in this country so as from residence to be acquainted with the governing politics of the nation; but this he could aver from his own knowledge, or upon the evidence of his own hearing, that the noble Lord, so far as his sentiments might be supposed applicable to the present question, held sentiments extremely different to the arguments urged in support of the present motion. The present motion, if he understood its scope and tendency, was this, though not expressly avowed: Make peace with America upon any terms, which were the same thing as desiring ministers to subscribe to whatever terms the state of America might think proper to dictate. After that was granted, he believed, it would be very unnecessary to en-

ter into proofs that the basis of any treaty to be made under the sanction of the present vote would be independency. This was the matter on which he meant, in point of fact, to particularly meet the honourable gentleman.

The honourable gentleman declared himself to be for the present proposed vote, which was to end in independency. Then he diametrically differed upon this subject from his noble relation; for he well recollected that that great man, the very day he felt the stroke of death, bursting with indignation at the most distant idea of declaring America independent, poured out his exhausted vitals in execrating those ministers, or others, who would dare to parcel out, or vote away the British empire; despoil the British Parliament of its inalienable rights, and rob the present royal family of its patrimonial inheritance. These were almost the last words that upright minister and consummate statesman ever uttered. He was a man, from his earliest youth, he had been always taught to look up to with reverence and admiration before he had seen him. Since then, every opportunity he had of being acquainted with him in his senatorial character, the more it confirmed him in his early impressions, and he was no less great in his last awful exit than in the most splendid actions of his political life. He held the language of a patriot and sound statesman, and the capaciousness of his soul was only equalled by the integrity of his mind and the goodness of his heart. There was a quickness of conception, a warmth of imagination, and a tone and firmness of mind, which was worthy of imitation. He saw his object at a distance, he was unceasing in his endeavour to obtain it, and he could not give a better or more seasonable advice to his noble friend near him, the noble Lord in the blue ribbon, if he expected to arrive at the character of a great minister, than to study with care and attention that of the deceased noble Lord.

He was aware that the honourable gentleman, who made the motion, would say, that he had disclaimed all intention of rendering America independent, in opening his motion; and that consequently the subject was clearly shut out of the present debate; but he presumed he had sufficiently shewn, that it was only travelling a different way to the same object; for, most certainly, every gentleman who heard what he had urged on the subject would agree with him, that the present vote would oblige ministers to make peace upon any terms, which terms would be no other than independency.

A right honourable gentleman on the floor [Mr. Rigby] had said, that he wished to get rid of the American war; so did

did he. The honourable gentleman who made the motion, as he had frequently observed, pushed the matter much farther; but he wished gentlemen to recollect, how the line could be safely drawn, or at what particular spot could Great Britain stop! Were the people of this country willing to give up their West India islands? No; such an idea would not be endured. Were they ready to abandon their own dominions in America, the possession of which was not disputed? Not that neither. Or were they even prepared to vote away such part of the thirteen provinces as were reconciled and happy under the British government? As loud a negative would probably be given to that as to either of the foregoing. Where then was the line to be drawn? Yet, if the present motion was to go, it was impossible to say to what the claims of America would be confined; and, perhaps, if they were declared independent to-morrow, we should find ourselves as far from real peace as we were at the instant he was speaking.

He then entered into the impropriety of interfering in the exercise of the executive power, which had been repeatedly discussed in the course of the evening; and sat down with testifying his dissent to the motion made by the honourable gentleman.

Lord *Maitland* rose in reply to the last speaker. He said Lord Maitland. he could never remain silent when such doctrines at those advanced by the noble Lord were maintained in that House. A noble Lord who spoke early (Lord *Westcote*) an honourable gentleman (Mr. *Adam*) and the learned Lord who spoke the last, had severally asserted, though in a different manner, that that House was not competent to inquire into the exercise of the executive power, and controul his Majesty's servants in the administration of government. The first contended more directly that any interference of that House would be positive violation of the constitution, and an usurpation of the right of the crown. The honourable gentleman did not venture to go that length; but in part acknowledging the right of parliamentary interference or controul, arguing upon the policy or expediency, said, that whenever Parliament had interfered, it had always been attended with bad consequences. The learned Lord denied that ever any such interference had happened, and defended the propriety of this presumed rule, because he said ministers as being entrusted with the exercise of the executive power, were ultimately responsible for the measures they recommended, and for the means they had adopted for carrying them into execution: in short, whatever form this species of argument was made

made to assume by the respective speakers, the conclusion was substantially the same, the Parliament had no right, or having a right, that they never exercised it; or, when they did, that it always proved injurious to the public welfare.

That Parliament had such a right, that they had exercised it; and that it was a right of the very essence of the constitution, was, he believed, incontestibly true; for if there was no constitutional check or controul upon the executive power, but that according to the forms of the constitution, the Crown could declare war, make peace, and enter into treaties and compacts either with foreign powers or a part of our own subjects, without controul or advice, then the maxim which says that the executive is subordinate to the legislative power, would be exactly reversed; for the executive, and not the legislative, would be the supreme power.

But taking the learned Lord's argument fairly, what was it; but that there might be such a power vested in Parliament, and that as it never had, so it ought never hereafter to be exercised, because ministers were ultimately responsible to Parliament for their measures and the execution of them.

He was persuaded that the learned Lord could not seriously mean what he seemed to maintain so very warmly; for it would amount to this, that Parliament had the right, but that they should forego the exercise of it, at the very moment only in which any national good could be expected from it; namely, when the folly, inability, and obstinacy of ministers had invited national destruction; when they appeared to be ultimately determined to persist in the same ruinous measures which had produced our present national calamities; and finally, when they were running forward in order to precipitate our fate. No, no, said the learned Lord, let ministers go on; when they have totally ruined us, then will be the time for Parliament to call them to account.

His Lordship, after endeavouring to expose the absurdity, fallaciousness, and sophistry of such a stile of argument, entered pretty fully into the debate, and after reprobating the American war in all its parts, and describing its authors no less inimical to the liberties of Great Britain than America, concluded his speech with testifying his warmest and most unreserved approbation of the motion made by his honourable friend.

Lord Duncannon.

Lord *Duncannon* supported the motion warmly; he contended that the Americans had taken up arms in their own defence; and be the issue what it might, the evil advisers who had imposed upon their Sovereign, Parliament, and the

nation, ought to be deemed solely responsible for the consequences, and he made no doubt would be made so.

He made some farther spirited observations on matters which had come from the opposite benches; but the House grew so disorderly that we could not distinctly hear his Lordship; he said he heartily approved of the motion made by his honourable friend.

The opposite benches growing extremely vociferous, and calling out loudly for the question! the question! Mr. Fox presenting himself to reply, it was some minutes before the Speaker could restore order; at length order being enforced from the Chair,

Mr. Fox proceeded. He began with returning thanks to Mr. Fox the House for the disposition they shewed to indulge him with a few words by way of reply, or rather for the purpose of giving a few explanations respecting some very plausible objections which had been raised against two or three of his strongest arguments. He was the more obliged to the House for this indulgence, because, according to the strict rules of parliamentary order, he was not entitled to rise a second time to speak to the same question; feeling, therefore, the obligation which he owed the House, he should repay it in the only way it was in his power to repay it, that was by being as brief as possible, and not adding a syllable, which did not seem to him to be necessary for the illustration of his former arguments, or in such instances as he had been misunderstood, or his sentiments misrepresented.

After this exordium, he said it was his duty, as it was that of every individual in that assembly, who called upon the representatives of the people to unite in opinion with him upon a particular measure of policy or legislation, to do every thing in his power to shew that the measure so proposed was a wise and salutary one, and that the objections made to it were either frivolous or unfounded; under this call he now rose, and entreated a candid and patient hearing. The noble Lord at the head of the American department had recourse to a very extraordinary and novel species of logic, to prove that he was not mistaken in his expectations respecting the loyalty of the inhabitants of North Carolina: his Lordship said, that Lord Cornwallis was mistaken as well as he, which amounted to this; in every given situation that could be supposed or imagined, that a person being originally wrong, as soon as another person happens to coincide with him in opinion, from that instant he becomes right; and for
what

what reason? the noble Lord himself has told you: the noble Lord himself was wrong, Lord Cornwallis helped to confirm him in his mistakes, and of course they are each separately right, because both are in the wrong.

But not wishing to catch at words, instead of realities; what are the true grounds, says Mr. Fox, on which the noble Lord maintains that the North Carolinians are loyal?—His Lordship says, General Greene has been obliged to draw the subsistence of his army from the neighbouring provinces; the people of Carolina would not supply him no more than Lord Cornwallis; that is, a great majority of the inhabitants of North Carolina with well to government, and abhor the tyranny of the Congress; and how do they return the obligations they owe to the royal army? Why, they refuse all kind of aid or assistance to their saviours and protectors, and treat those who come to release them from the bonds of tyranny exactly as they do their tyrants and oppressors, by refusing all aid or succour whatever.

O! says the noble Lord, that is not the case; the loyal inhabitants would do otherwise if they could do it with safety. They made one attempt, but it miscarried; and those who made it were sacrificed to the resentments of their enraged brethren. Surely he was in a dream, or the noble Lord did not mean to be serious, when he said, that so great and able a general as Lord Cornwallis confessedly was, in the heart of a loyal and friendly country, and at the head of a victorious army, were the good disposition of the inhabitants and their eagerness to repair to the royal standard as true as it had been confidently asserted, would abandon the post. Surely the noble Lord at the head of the American department would not gravely assert, that under such circumstances it was possible that Lord Cornwallis could have relinquished all hopes of improving the advantages he had obtained, without at the same time insinuating the severest libel upon the military conduct of the noble commander. He was in his soul convinced of the contrary; he was persuaded the noble Lord at the head of the Southern American army was beyond the reach of any such insidious insinuation, if any such was intended. The truth was, his Lordship met no friends, when weighed in the opposite scale against his numerous enemies; and after doing all that an officer in his situation could do, he was obliged to abandon all hopes of success, because, like every other officer, he had been deceived, on two grounds: he had been cheated in the first instance, and

and made to believe that he was to have had twice, if not thrice the force which he really had; and equally treated by false insinuations in so doing, that he would be received with open arms by an host of friends, warmly and zealously attached to the cause which he came to maintain, instead of being publicly approved, or even tolerably benevolently circumvented by a whole of inveterate enemies.

If he then proceeded further into personal or particular explanation, he would be obliged to make a choice of one or two upon a principle which pervaded the present debate, as well as all others which related to the American war in that House. It was true, and felt so with great confidence, and it came from quarters which proved its sincerity to be the current opinions which prevailed in another place: it is not so, said several gentlemen, though it be so in company, for Parliament to interfere in the exercise of the prerogatives which the Constitution has bestowed on the Crown, and the Crown as a matter of course has delegated to its servants, to do unto the deliberate chimera or dream of ministers; for be the consequence what they may, ministers must be ultimately responsible. The argument, he confessed, it not a good one, was at least plausible; it carried within it was true, a principle of eventual ruin to the state—because it might be pushed to a possible, he feared even to a probable case, in which ministerial responsibility, as had been observed by his noble friend Lord Maitland would be a farce—but taking up the idea, and recasting of it in the very manner in which it was intended to be pressed on the understanding of the House, it was his duty, pledged as he then stood, to detect and expose the paltry sophistry which lay lurking under it.

There were two constant objects which principally fixed the attention of that body of the House on which he had the honour to sit; the one, the maintenance of the supreme rights of the legislature, to direct, propound, and finally determine on what ought or ought not to be asserted or conceded, in respect of the rights or claims of this country over America. This inherent right was never professedly controverted in that House by the boldest or most implicit ministerialist: but this night, for the first time, he heard the principle denied, or, which was the same thing, endeavoured to be set aside. The general principle of ministerial responsibility was opposed to the right of Parliament to interfere. Hitherto he had constantly heard, that this was a Parliamentary war, a legislative war, a war not to extend or increase the power or prerogative of the Crown; no, but a war speci-

ally undertaken to vindicate the supremacy of Parliament, and its legislative superintendence and controul over every part of the British empire; but to day it has been represented as a ministerial war, in the controul of which Parliament have not the least pretence to interfere—nor to offer their advice, unless they are determined to violate the constitution, and usurp the exercise of the executive power.

This was the uniform language held by those who maintained the propriety, the necessity, and expediency of the American war till this evening; when, for the first time, he heard that the war was no longer a Parliamentary war, but a ministerial one. Parliament have no constitutional right to interfere, say some, they go on to inform us by others; because the hands of the King's servants will be tied up that they will be deprived of improving trade opportunities of advancing the interests of the country, where they might be able to improve to the benefit of the nation, or let a liberty to act according to the various contingencies and circumstances, which may arise in the course of future negotiation.

Here then were the most palpable and gross contradictions: if ministers were intreated to make peace, no, said they, that cannot be; the American war is a parliamentary or legislative war; the Crown has no controul or interest in the prosecution of it; that is not more reasonable; but as soon as a proposition is made calling upon Parliament to interfere; no, say they, the very same men, Parliament have no right to interfere, nor, if they had, would it be politic or prudent for them to do so.

After he had stated in the most pointed manner the contradictory language held by ministers, and stated their present purpose, he proceeded to give specific answers to such gentlemen as had undertaken to controvert the grounds and propriety of his motion.

A right honourable gentleman on the floor, who had honoured him with the name of friend [Mr. Rigby], had paid him compliments which he was not so vain or foolish as to think were well founded. He felt no consciousness that the right honourable gentleman's eulogies were fitly applied wherever his own conduct furnished the subject; but happy as he was in the good opinion and friendship of the right honourable gentleman, he sincerely wished that he had forborne that part of his speech altogether, for he never, as a testimony of kindness or good will, accepted what came accompanied

accompanied with indiscriminate censures upon those whom he held most dear, or with whom he was most intimately connected.

The right honourable gentleman says, that every administration since the accession of his present Majesty, let them disagree upon what other points they might, were at least unanimous in one, that of taxing and coercing America. The right honourable gentleman in the warmth of political zeal, and trusting with the most unbounded confidence in the fidelity of his memory, asserts that the administration, who passed the Stamp Act, supported the principle on which the American war was carried on; that the real political arrangement under the auspice of a noble Marquis, a member of the other House, supported the same principle; when, by repealing the Stamp Act, they asserted the unconditional right and dominion of this country over America by passing the declaratory law. The next Administration, charged by the right honourable gentleman with following the same track which had been traced out by their predecessors in office; and a justly distinguished and celebrated statesman, sometime deceased, and a noble Duke, Earl of Chatham and the Duke of Grafton, who successively directed his Majesty's councils, are specially pointed out by the right honourable gentleman, as being the promoters of the Post Duty Bill, and sending troops to Boston to enforce the legal execution of that law. They are represented as treading in the footsteps of the two preceding administrations, so as to prove the right honourable gentleman's assertion to the unlimited extent in which he would have it credited; that every administration, and every man of every party in a public situation, had pledged themselves to the support and maintenance of the American war.

The right honourable gentleman, not contented with general assertions, had pushed the charge still farther, down to the actual commencement of hostilities, and to events of even a later date; and as a farther confirmation of what he has said on the subject, has described the American war to have been in its origin and progress a most popular war? Before I proceed to controvert the honourable gentleman's conclusions, feeling as I do, I find myself compelled, from a just and well founded resentment, to vindicate the character of some persons, whom the right honourable gentleman has thought proper to load with ill-founded aspersions, in the observations he has made in this part of his speech.

The right honourable gentleman concludes his observations thus: "Surely, if the American war be wicked, ruinous, unjust, and bloody; if it was planned with folly, prosecuted with cruelty, and ultimately tends to national destruction; the several persons thus described, having maintained the principle on which the war was commenced, and approved of the measures which actually produced it, were equally unjust and cruel, and blinded with the same spirit of perversity, as those to whose lot it had fallen to carry the measures into execution which brought on this execrable war."

I will meet the right honourable gentleman on his own conclusion; I am ready to join issue with him on the merits, and allow that all he has said and insinuated is strictly conformable to truth; that they would be wicked and cruel, if they had either promoted or approved of such a war; but I do aver, that the charge is not founded in fact, but directly repugnant to fact, even to colourable conclusions; and, high and powerfully supported as that honourable gentleman stands in the House and out of it, I would recommend to him to be more temperate in his language when he makes such positive charges, and draws such severe conclusions against some of the greatest and most respectable characters in this country. I am ready to declare my opinion of the right honourable gentleman's integrity and abilities; I am willing to give full credit to his assertion declarative of the motives on which he acted; I thank him for his very honourable, but unmerited sentiment respecting to insignificant a person as I am, whom he has thought fit to exalt into a degree of consequence to which I am by no means entitled; but while in the midst of this shew of kindness I hear my dearest friends and connexions directly or indirectly charged (with what I think the worst and blackest of crimes) as the authors of a system, or the supporters of measures which led to, and produced the American war, I cannot accept of any appearances of friendship upon such terms; nor can I sit silent without professing my utmost disapprobation of assertions every way so ill founded, and arguments so sophistical and fallacious.

I am ready to appeal to every impartial person in this House, whether there is not an immense difference between a speculative assertion of a right, and the enforcing that right with the point of the bayonet? I would appeal to those who hear me, whether there be any similitude between regulations of commerce and actual taxes? But I shall avoid entering into particulars at so late an hour, and only refer to
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the conduct of the noble Lord in the blue ribbon, and the noble Lord near him at the head of the American department:—What was the language of the former? “We must and will have a revenue from America; not a pepper-corn, merely to maintain an ideal and unprofitable right; but a clear, substantial, and productive revenue.” What was the language of the latter? “Not to listen to any terms short of unconditional submission.” What was the purport of the noble Lord’s conciliatory propositions but to tax the colonies by proxy? that is, the colonies to tax themselves, and the produce to be transmitted home to Great Britain, to be at the disposal of the British Parliament. What again was the conduct of the people of America? why they resisted it as one man, from one end of the North American continent to the other. The Colonies resisted both principles equally; they resisted taxation in one instance, and foreign legislation in the other; they determined, *una voce*, to legislate for and tax themselves.

After explaining himself very fully, in order to shew that none of the great and respectable names nor their friends, went too long of actual taxation or legislation in any instance, but so far as the latter might have reference to commercial regulation and mutual benefit, he spoke of his own and his friends’ conduct relative to the passing of the Boston Port Bill.

The right honourable gentleman says, that the Boston Port Bill passed without a division, without a debate, or any kind of opposition whatever. He has stated this circumstance, to shew that the measures which immediately produced the American war met with the approbation of all parties; but the honourable gentleman’s argument upon the presumed facts is as fallacious as the fact itself is ill founded. The Boston Port bill was opposed in several of its stages;—I opposed it myself, said Mr. Fox, and there are many gentlemen within my hearing who also very strenuously opposed it. The right honourable gentleman avers, that it was not opposed in either House of Parliament. Though it may not be quite regular to take notice of what passed on that occasion in the other House, I am warranted in answering an argument supported upon such ground; and I am warranted to do this upon equal authority; for I know there was an opposition made to the Boston Port Bill in the other House as well as in this; but I will explain to the honourable gentleman what he seems to have forgotten, for I am not to presume that he purposely omitted it.

The reason why there was not so strenuous and regular an opposition to that measure, and that no division ensued, was this:—The riot in Boston and the destruction of the tea was represented by ministers as a partial rising, confined to that town alone, and not countenanced by any persons of property even there; and highly disapproved of by the leading people in the Province of Massachusetts Bay, and reprobated throughout all the other Colonies. Such being the presumed facts, as stated by those who recommended the measure; with what request did they come to Parliament? “That, as it was but a local insurrection, or rather popular tumult, which arose among the very dregs of the people, the bill would as soon as known have the effect of restoring peace, good order, and legal government; and should it prove otherwise, a regiment or two then under orders to repair thither would immediately, without farther trouble or any effusion of blood, force the townsmen into an obedience to the laws. As the language of the day was, the sword and the olive branch would be presented, and offenders would be left to their option.

This, I am free to contend, was the true state of that transaction; but at the time, I defy the right honourable gentleman to say, that it was so much as hinted by any person in a responsible situation, that the Parliament of Great Britain had any intention of enforcing any claims of universal taxation, unlimited legislation, or unconditional submission.

The right honourable gentleman, and several others who have spoken since, particularly the learned Lord who spoke lately (Lord Advocate of Scotland) have made, what they seem to think, a most important discovery, that I have declined to move a vote, declaring the American colonies in resistance independent; though, say they, my motion goes precisely to the same point. If this is meant to hold out to the House, that while I profess one thing I mean another, nothing, I do assure you, Sir, can be more unfounded; for to be very plain, had not I other reasons but such as might militate against the mere naked question of declaring America independent, I should not hesitate a single moment upon what was proper to be done; for, thinking as I do, that America is lost, irrecoverably lost to this country, we could lose nothing by a vote declaring America independent; but I had even more than one reason: the first and most pressing motive on my mind was, that I did not choose to go the full
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length of what I feared, we must, in the end, be obliged to consent to; what I know we must, without reserve, consent to—to declare America independent; because such a declaration, on our part, being an ultimatum, might beget still more dangerous impressions in the minds of the people of America on that subject. The other, that although we should declare our intention of independence, we are not so fully and perfectly acquainted with the connection between France and America as to say, whether the point of independence being once gained, it would not improve that circumstance to her complete advantage, and on that ground urge farther claims, to comply with which both the interest and honour of this country must be sacrificed.

As to the mere single proposition, whether America might with propriety be declared independent, abstracted from other considerations, it is perfectly ridiculous to debate about it in this House this evening. America, as the right honourable gentleman has contended, is already independent; and, as he well observed, ought to be considered, in one light, as a public enemy. I most heartily agree with the right honourable gentleman, that she is independent: I may possibly disagree with him, when I affirm again, that she will and must be independent.

It is, however, impossible to say, with any degree of confidence or precision, to what extent or effect the other evils the honourable gentleman predicts may be averted; such as the safety of our West-India islands, &c. but this I am in my own mind authorised to say, were it not that conciliatory, healing, and friendly negotiation, may effect much in preventing the bad consequences which a vote, declaring America independent, might be productive of hereafter, I should, instead of making the motion I have done, directly have moved, that the American states be declared independent.

The honourable gentleman who spoke later (Mr. Adam) opposes the present motion, upon what appears to me novel ground. The honourable gentleman says, or at least he is pleased to suppose, that very few instances have ever happened in which the Legislature interfered, or offered to control the executive power; and the only instance which he seems to have any knowledge of, or has thought fit to state, he says, proved injurious to the State. That it was not the only instance, I shall prove by-and-by; that it had the effect imputed to it, wants much better and more relative proof than that adduced by the honourable gentleman. The
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honourable gentleman has deemed it proper to state certain facts relative to the interference of Parliament in the reign of King William, respecting the conduct of the affairs of Ireland. He imagines the affairs of Ireland went wrong, on account of the interference of Parliament. He carries his imagination still farther, by saying, that this interference retarded the reduction and settlement of that kingdom, and as a consequence of the evil effects of parliamentary interference, he is pleased to conclude, that as soon as it ceased, so soon the affairs of Ireland began to wear a better aspect, and at length were happily and effectually terminated. This appears to me a string of suppositions from the beginning to the end. No proof; nothing more than mere assertion is offered in support of either the presumed facts or ideal consequences; and when, with infinite reluctance, I find myself compelled to meet such an argument, if it may be called on, I feel myself urged to meet it in the only way in which it can be met, that of doubting or controverting the facts, and of course denying the conclusions.

I should, however, observe here, that the honourable gentleman, and the learned Lord (Advocate of Scotland) to ally differ upon this point. The noble Lord affirms, without reserve, that Parliament have never interfered. The honourable gentleman (Mr. Adam) acknowledges that there had been one instance in which Parliament had interfered; but it had miscarried. To the honourable gentleman I answer, that the public disappointment did not arise from the interference of Parliament; and that there were many instances upon record where Parliament interfered, besides that which he mentioned. And to the learned Lord, that it had not been an unusual or accidental interference, but originated from the very frame and nature of the constitution itself.—When the learned Lord, in particular, asserted, with so much confidence, that there had been no one instance in which the Legislature expressly interfered between the State and the King's servants, or ordered to control, or give general or specific directions, I must own, after what the honourable gentleman, to whose speech I am immediately alluding, had asserted, I was much surprised; because, in the first place, the honourable gentleman had furnished one example of the contrary; because the History of England, sometimes with very good effect, and from the best motives, gives frequent instances that such a control has been exercised by Parliament; and secondly, out of the numerous examples

examples which might be quoted, the conduct of Parliament in the course of the succession war during the reign of Queen Anne, furnished a case exactly in point. At that time, as now, there were two powerful parties in the nation; one that thought it better to let the Duke of Anjou mount the Spanish throne, under the will of the late Spanish Monarch, than plunge the nation into a war, or persevere in it when commenced; the other, who thought that the liberties of Europe depended upon preventing at all risques the Spanish monarchy from being possessed by one of the children or branches of the House of Bourbon, in the person of the then competitor for the crown of Spain. But see how exactly both cases tallied. I mean the prevailing politics of that day, compared with the proposed effect of the present motion. The Parliament of that day said, no peace with Louis XIV. unless the Duke of Anjou relinquish his pretensions to the Spanish monarchy, or, as it was then technically expressed, no peace with France while Spain continues in the possession of one of the branches of the House of Bourbon. I say, in conformity to that parliamentary vote, let his Majesty be addressed by this House to give instructions to his Ministers to make peace with America.

The learned Lord over the way, whom I always hear with so much pleasure, particularly when he seems to be at all acquainted with his subject, has been the source of great entertainment this evening, and in nothing more than in his making a public confession of his political tenets, or what he has been pleased to stile his political creed or confession of faith. I always listen to whatever falls from the learned Lord with that degree of attention that is justly due to it; but when political creeds come from that side of the House, I confess I am much better pleased to hear them come from persons acting in responsible situations; otherwise they are mere idle, floating opinions of individuals, who, however respectable the persons may be that deliver them, can live but for the moment, and are by no means binding in future, nor in fact have any real reference, even to the existing measures at the time.

The learned Lord has, however, with a candour which is natural to him, and with a senatorial spirit of independence which does him infinite honour, told the House, that he disdains to walk in ministerial trammels, even in the harness of his noble friend, the noble Lord in the blue ribband. He says that he never could have thought of entering into a

treaty with our rebellious subjects so long as they continued to resist the claims of this country with arms in their hands. He was for no treaty ; no concessions ; he would hear of no terms ; and was resolved never to concede upon any intermediate negotiation. Unhappily for this nation, it seems the learned Lord had then formed no connections on this side of the Tweed. His Lordship was then no more than an individual, equally friendly or inimical to the noble Lord in the blue ribband and Ministers, and to their opponents. He had then, I say, no influence with the Minister arising from personal intimacy, and the confidence which generally accompanies it. So far from it, that the learned Lord honestly avows, that among all the friends of Government in this House, he only, and an honourable gentleman whom I do not see in his place, [Mr. Ellis] had the public virtue to differ from the Minister on the policy of his conciliatory proposition ; and they only had the political foresight to look forward to the consequences which this unlooked measure would ultimately produce. The learned Lord, pursuing his fixed line of conduct, honestly confesses he voted for every question respecting the American war, and for the most vigorous exertions. He says farther, that he never conceived a second opinion on the subject ; and that if the whole ground was to be trod over again, he would pursue the same line of conduct, step by step. Taxation and legislation over the colonies were the great objects he proposed at the outset to obtain, and, in the true spirit of steadiness, he had never twerved, but had strictly pursued the paths which he had previously chalked out to himself.

I am well persuaded of the learned Lord's great abilities ; I am equally convinced of his integrity ; and, give me leave to say, that I am generally astonished at the correctness of his memory. But, great as his talents confessedly are, unshaken as his integrity, and wonderful as his memory may be, I must doubt of the truth of the history the learned Lord has given of his own political life, his steadiness, and his other public virtues, in the shape in which he has thought fit to bring them forward.

The learned Lord said, and I impute the assertion solely to a failure of memory, that he never differed with the Minister but in the instance already mentioned. Now, if I am wrong, the learned Lord, I dare say, will set me right ; but I think I may say, nay, I may with confidence affirm, that the learned Lord, so far from continuing to support the principles

ciples of taxation and legislation, unconditionally, and without reserve, was one of the first persons, after the noble Lord in the blue ribband, who supported the bills, (in the spring 1778) declaring, that the people of America should never be taxed by the British Parliament; that not a shilling should be drawn from that country by way of revenue, nor a shilling raised there should be disposeable, in any shape, or under any pretext, by a British Parliament; that the Colonies henceforward should be their own legislators; and after having thrown away the lives of fifty thousand brave citizens, and spent fifty millions of money, that all our claims over America should be relinquished, and a mere nominal sovereignty, or ideal, unprofitable connection, be substituted in lieu of those substantial and high-sounding pretensions, so ably stated by the learned Lord.

I do not say I have the most retentive memory in the world, and I believe I have not the worst. The learned Lord will, I dare say, direct me to the right path, should I deviate from it. Under this expectation and correction, I believe I may venture to remind the noble Lord of his exculpatory apology when I once before mentioned this, as a proof of his want of memory, at least, of his want of consistency. I hope, however, that the learned Lord will ever remember it, after this night, and not again relapse into the same state of total forgetfulness. His Lordship's answer was, that the American war ought to be pursued with firmness and vigour till after Mr. Burgoyne's disaster; after that fatal event, the object being no longer attainable, another system of policy had become indispensably necessary; but if gentlemen will only attend to what fell from the learned Lord in the course of his speech, they will collect that he has changed his political creed for the third time. He was first for coercing America at all events. When all prospect of success vanished, on account of the capture of the northern army, in 1777, at Saratoga, then he abandoned his system, as no longer practicable; but now, for the third time, after the learned Lord has honestly and fairly confessed, that all substantial expectations of success are over, he has returned to his first opinion, and that upon worse grounds than he first took it up. He says, now peace cannot be made, though there are no hopes even of succeeding, nor ought it to have been made, so long as there were any hopes of succeeding.

The learned Lord has made a very long and most eloquent oration on the great abilities and exalted virtues of a most con-

summate statesman lately deceased, (Lord Chatham). My youth and habits of life afforded me very little opportunity of being personally acquainted with that great Minister; yet I am sure no man, at any side of the House, reverences the memory of that minister more than I do; nevertheless, I would be heard, by way of laying in my claim for others, who perhaps not exactly thinking with the deceased noble Lord in every thing, have yet conferred great obligations on their country. I, insignificant as I may be, might differ from his Lordship in some things, my friends likewise might do the same; I am happy, however, I have it in my power to affirm, without the risk of contradiction, that the deceased Lord's ideas respecting the commencement and prosecution of the American war, were directly repugnant to those pursued by the present administration, and so warmly defended by the learned Lord.

The learned Lord has described the deceased Lord in a most awful and affecting situation, not directly for the purposes he first mentioned to employ his name; I mean to prove that his Lordship was a friend of coercion; but merely to oppose his dying opinion, reprobating in the warmest terms any idea of declaring America independent, to the tendency of this motion. I am sure that great statesman was sincere, and might have been right in his opinion then: but is his opinion in 1778, just when France was entering into the war, before Spain joined with France, or was followed by Holland; and more than all, before France disputed the empire of the sea, and the American militia were transformed, or disciplined into regular troops; before, I say, any of these circumstances could be known, is it fair to quote words, which could only have weight when applied to matters as they then stood, to another given situation totally different?

But if the learned Lord is mistaken in the deduction he has attempted to draw from the noble Lord's speech, the day he was struck with his last illness, I am ready to believe that he could not have been in this part of the kingdom at the time he states, otherwise he must have known that Lord Chatham, so far from approving of the American war, reprobated it in the strongest manner possible in Parliament; and before a single life had been lost, or a drop of blood shed in America, made two motions; one by the way of bill, for qualifying the rights of both countries; the other by way of motion, for immediately withdrawing the troops from the town of Boston.

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These were his opinions before a shot had been fired on either side; and it would be a very needless and idle task to go into an enumeration of the several patriotic and noble struggles he made from time to time; even the last session he preached peace to ministers, in order to arrest their unskilful hands, and stop them in the mad career of blood and slaughter in which they had involved the whole British empire from one corner to the other.

He entered into a variety of explanations elucidatory of this part of his speech, and again proceeded in reply.

The noble Lord who spoke second [Lord Westcote] had called the American war an holy war. The application of the word holy to the present war, may have appeared new to every gentleman present but myself. It is not new to me, and I will tell the House why it is not. I was over in Paris just at the eve of this very war; and Dr. Franklyn honoured me with his intimacy. I remember one day conversing with him on the subject, and predicting the fatal consequences, he compared the principle of the war, and its probable effects, to the ancient crusades. He foretold, that our best blood and our treasure would be squandered and thrown away to no manner of purpose; that like the holy war, while we carried ruin and destruction into America, we should impoverish and depopulate Britain; and while we went thither, under the pretence of conferring temporal, not ghostly benefits upon the vanquished, our concealed purpose was to destroy, enslave, or oppress, as it promised best to answer our ends; while, like the pretended martyrs, or zealots, in ancient times, we concealed, under this fair semblance, every vice and passion which constituted human depravity and human turpitude; avarice, revenge, ambition, and base as well as impotent resentment.

But if that was the opinion of that great philosopher in 1776, how much stronger would the comparison hold at present? Like the Crusaders in the holy war, who went to fight for the sepulchre of our Saviour, and to possess Palestine, in order to have the honour of guarding the sepulchre, though the body had been translated to another place for many centuries; the present ministers, treading in the footsteps of those bloody and senseless zealots, still continued to contend for the possession of an empty sepulchre; they had relinquished taxation, they had given up legislation; they had even offered to pay the debts of the Americans; and instead of giving them

them laws, of receiving laws * from them ; but yet this holy land was to be made the scene of an holy war ; because at a former period they told Parliament and the nation, that they would tax and make laws for America.

I beg pardon, Sir ; I trust to the indulgence of the House. I have not a syllable more to add, but to return my grateful thanks for the favour which has been shewn me. I did not hear a word said against my motion, but that it would lead to American independence ; all therefore I have to say is, to answer that objection, by taking upon me to predict, that ministers themselves, in the course of six months from this day, will offer some proposition, similar to that which I have taken the liberty to submit to the House. I know they will, I know they intend it ; under which persuasion, I trust the fate of my question to the fair, impartial, and unprejudiced judgment of the House.

Near twelve o'clock at night the House divided on the question. Ayes 99 ; noes 172.

June 13.

Sir George Savile. On a motion that the House resolve itself into a committee of ways and means, on the proposed bargain with the Bank, Sir *George Savile* rose, and desired before the Speaker left the chair, to know from the noble Lord in the blue ribbon, whether his bargain with the directors of the Bank had gone so far, that the House not agreeing to it, would be attended with any material inconvenience : in other words, he said he wished to know, whether the noble Lord only came to Parliament to register his bargain ? If he did, he would thank the noble Lord for candidly saying so, because in that case it would save much argument, since it would be idle to waste the time of the House in a long debate upon a matter so far decided upon without doors, that it would be a mere mockery of the powers of Parliament to pretend to unsettle it.

Lord North. Lord *North* said, the inconvenience of not agreeing to the proposition, might possibly be used as an argument, opposed to other arguments of another sort, but then it would be in the discretion of the House, to determine whether it ought to have weight or not. Certainly he had seen and treated with the directors of the Bank, and the proposition now brought

* Alluding to the offer made by the commissioners, to permit deputies from the provincial assemblies to sit and vote in the British Parliament.

brought forward by the petition already before the committee, was the result of that treaty; but then he was far from meaning to urge, that because he, as an individual, thought the proposition such as Parliament ought to agree to, that therefore Parliament necessarily must do so. The House would judge for itself; but since he considered the agreeing to it to be a matter convenient to the public, it could not be wondered at if he should recite the not agreeing to it on the grounds of inconvenience.

Sir *George Savile* said, his question was not answered; Sir *George* that Parliament was to judge for itself, and that the noble *Savile*. Lord thought the proposition convenient every body knew perfectly well. What he wanted to come at was, whether really and truly the bargain had gone so far without doors, that inconvenience of so much consequence would arise from Parliament's disagreeing, that it would overbalance any advantage that could be produced from a bargain, on conditions so different from those stated in the petition on the table.

Lord *North* said, the only reply he could make was, that *Ld. North*. he would not use it in argument, that the House not agreeing to the bargain, would be injurious either to the public credit or the good faith of government.

The Speaker then left the chair, and Mr. Ord took his seat at the table. The petition of the Bank Directors having been read,

Lord *North* rose and said, he would open to the House, the *Ld. North*. reasons which had induced him to listen to the propositions just read, and which he would speak of in the light of a bargain not concluded, but to be agreed on or not as the committee thought proper. His Lordship, in a speech of above an hour's continuance, went into an elaborate history of every renewal of the Bank charter since the institution of the company, and argued at great length to prove that the present proposition was such as would be advantageous to the public, and equal to the expectations, which, every circumstance considered, he thought the public intitled to entertain. The Bank, he said, had been established for near ninety years, and had been conducted in all that time with so much wisdom, ~~so much~~ advantage to the nation, and so much credit to itself, that he could not imagine there was one man living, who, after the long experience of its utility, would deny that it was the duty of Parliament to cement and strengthen the connection

connection and union between the bank and the public as much as possible.

In the year 1694, the company of the Bank was first incorporated. Their charter was renewed in 1696, it was renewed again in the 13th of William and Mary, a third time in the 8th year of the reign of queen Anne; and a fourth time for a considerable number of years, a short time afterwards; and a fifth time in 1764. His Lordship particularly stated the advantages gained by the public in each renewal; all of which previous to the renewal of 1764, were rather matters of temporary convenience and accommodation, than of real profit and pecuniary emolument. The agreement of 1764 was that made by Mr. Grenville, and the advantage that resulted to the public by that bargain, were first 110,000*l.* and another advantage of 30,000*l.* which made in the whole an emolument of 140,000*l.* It had been said, his Lordship observed, the other day, that Mr. Grenville thought this a bad bargain for the public, and had repented it to the day of his death. When he heard the assertion he owned he had been somewhat astonished, because he had himself been in the Treasury when Mr. Grenville made the bargain. He was in the habits of living with that minister; he had always heard him hold a very different language, and he remembered one particular circumstance which proved that Mr. Grenville thought it was not a bad bargain for the public, and that was this: Mr. Grenville told him that the 10,000*l.* in addition to the 100,000*l.* was an addition rather made with the hopes of getting it for the public than with a determination to mist upon it; his Lordship added, that if the company of the Bank had demanded it, he knew it would have been given up to them.

After dwelling for a considerable time on the different bargains that had taken place, on the different occasions of renewal of the Bank charter, and stating the rise and fall of the interest of money, at the different periods of time, when each renewal was made, with an account of what had been done between the public and the Bank in consequence, his Lordship went into a consideration of the mutual advantages reaped by the Bank and the public. The former, he said, by prudent management, by judicious conduct, wise plan, and exact punctuality, in establishing its own credit, had contributed very essentially to establish the national credit, a matter equally advantageous to this country both at home and abroad. The Bank had from time to time essentially
assisted

assisted the public, both on occasions of loans and on various other sudden exigencies. The public in like manner had contributed by granting to the Bank the exclusive privilege of more than six persons banking, and had enabled the company to enlarge its capital, to increase its credit, and to acquire that degree of importance which it had reached, and which the experience of almost ninety years proved. If gentlemen looked back to the late bargains on renewing the Bank charter, they would find that it had never been considered as either wise or necessary, to expect a large fine on such an occasion, and if the profits resulting from the present proposition were considered they would be found to be two and a half per cent. on the interest of two millions, because the Bank divided five and a half per cent. on their capital stock, and from the public they were to receive no more than three per cent. the profit therefore amounted to 150,000*l.* which was more than had on any former occasion been required or obtained on the part of the public. Possibly the bargain might be objected to, and it might be said, "if the present banking company will not give more, institute a new company." Those who should entertain such an opinion, he would venture to say had not well considered the subject. They knew not the solid advantages resulting to the public from its connection with the present company, they saw not the difficulty that must now attend the breaking up of the present company; they were not aware of the dreadful consequences that might attend the attempt to incorporate a new one; at present the Bank, from long habit and the usage of many years was a part of the constitution, or if not a part of the constitution, at least it was to all important purposes, the public Exchequer; all the money business of the Exchequer being done at the Bank, and as experience had proved, with much greater advantage to the public, than when it had formerly been done at the Exchequer. Besides, the Bank was always in advance to the public very considerably; at present, the public were indebted about seven millions to the company. If therefore the present company was broke up, the public would have to pay off its debt, and to pay it off at par; and considering the low price of several of the funds, the expence would be enormous. Exclusive of all this, where were they to find a new company capable of advancing all the money the public would want, and even were it possible, how materially would the national credit be affected, from the circumstance, that it must be many, many

years before a new company could establish its character and its credit, in so eminent and so high a degree, as that to which the present bank had raised itself? So dreadful would in his mind be the consequence of breaking up the present bank, that he should by no means advise, nor, he hoped, should he ever hear of an attempt to change hands, or to institute a new company. His Lordship observed farther, that even were such a matter practicable, numberless, inconveniences would of course arise from the one bank's opposing the other; the one would not then be the friend of the public, the other not capable of doing the best office of a friend, and affording that assistance which was unavoidably requisite at different times! He stated, that from being the banker of the public, the Bank undoubtedly derived considerable advantages; he said also, that the public derived advantages equally considerable from the credit of the Bank, and the important accommodation which the Bank afforded, on a great variety of national occasions.

The advantage now sought for was, on the part of the Bank, a renewal of the charter; and it clearly appeared from their dividend, that the profit of the company amounted annually to about 239,000*l*. The question therefore was, what the public sold, and how much of the 239,000*l*. annual profits could fairly be stated to arise from the charter? Here his Lordship examined into the nature of the Bank business; the manner in which it was carried on, and the expences to which it was liable. He argued from the whole, that a great part of the 239,000*l*. arose from the ordinary profits of the business, and which would result to them as a private banking company, whether the charter was renewed or not. After an infinite variety of arithmetical computations, his Lordship declared, he thought 150,000*l*. as large an emolument as the public had a right to expect.

But taking the bargain in another point of view, he said, the advantages were infinitely greater. He proposed to pay off two millions of navy debt with the two millions now offered. A debt which had ever hung like a mill-stone on the neck of public credit, and been attended with great disadvantage to the public affairs in more ways than one! It had given him, he declared, no small share of satisfaction to hear an honourable gentleman, in a late debate say, that in consequence of its having been rumoured that such a bargain as that now proposed, was in agitation, not a navy bill was to be bought. If the fact were so, the bargain and the use
to

to which he had declared he intended to apply the money, had already produced one good effect. Navy bills it was well known, had borne a large discount; if therefore by paying off two millions, the discount was lessened, the consequence would be doubly beneficial; the load upon the market would be lightened, and the discount lowered very considerably. Here his Lordship went into a statement of the computed emoluments that would result to the public, in proportion to the degree in which the discount was lessened. If the discount on two millions of navy debt was lessened in the proportion of five per cent the public would gain near 500,000. If in the proportion of four per cent. near 400,000. If in the proportion of three per cent. only, and that he took as his lowest computation, the public gain would be between 200 and 300,000. On these computations his Lordship reasoned for a considerable time, as likewise upon the good effect the paying off two millions of navy debt would have another way, viz. by lowering the purchases of all naval stores, &c. &c. and he contended, that taking the advantage either way, whether by the simple 150,000. arising from the difference between three per cent. and five one-half per cent. or by the degree of discount on navy bills which it would lower, or by the lowering of the purchases for the navy that it would effect, the advantage was truly essential. His Lordship added, that he esteemed the general benefits not to be stated, but which would undoubtedly arise from paying off three times as much navy debt this year as was paid off the last, much above any benefits that could be computed, however warrantable the speculation!

His Lordship acknowledged, that there was one matter in the bargain which he saw was an objection, and that was the point of time at which it was brought forward. Certainly the business was of great importance, and certainly it was a matter to be wished, that such a business should never be brought forward but in full Parliament. Still, however, he thought the objection arising from that consideration greatly overbalanced by the advantages that the public would reap from paying off two millions of the navy debt that year. ~~The~~ reason why the bargain had not been earlier brought forward was, he said, because the proposition could not be matured at the Bank till after the choice of the new governor, sub-governor, and directors, which took place in April last. Late as it was in the session, he thought the bargain ought to be listened to and ratified.

In the course of his speech his Lordship stated from papers the situation of the public funds, the particular claims of the Bank upon the public, and a variety of other figures, which, for the fear of error, we avoid going into. He at length concluded with moving, "that it is the opinion of this committee to agree to renew the company's charter for twenty-one years from the time of the expiration of their present charter, on the terms stated in the petition of the governor and directors, referred to the consideration of this committee."

Sir George
Savile.

Sir *George Savile* said, the noble Lord had spent a great deal of time in talking to almost every thing but what constituted the real jet of the business under consideration; to every thing else, to speak in the language of finance, he had paid attention in the proportion of ninety per cent. The noble Lord, he said, had talked first of the precedents of renewals of the charter at this time, and that time, and the other time; and had spoken of the connection that subsisted between the public and the Bank with a degree of warmth, as if he had been describing conjugal love, and enlarging upon the affection that subsisted between a man and his wife. To look at the subject in that view, he desired to know if the public was about to take a new wife, whether it was fair to say, your great grandfather married the great grandmother of the young lady without a fortune; your grandfather also married her grandmother without a fortune; your father married her mother with a small fortune, and therefore you ought to marry the daughter with a very trifling increase of portion? Surely it was much fairer for the public to say, "Ay, indeed, were my ancestors so improvident? I will not copy their example." The young lady's father is grown rich, he can afford to give his daughter a good fortune, and a good fortune I will have, or I will not marry the young lady." The noble Lord, Sir George observed, had talked a great deal about the amazing benefit that would result to the public from paying off two millions of navy debt. The use to which he meant to put the money, if the bargain was ratified, was totally out of the question. The public had an estate to sell. It was not therefore the question, how the produce of the sale was to be applied? The real jet of the question was, What was the worth of the estate? The noble Lord had scarcely once touched upon this, though, like a great leviathan, he had tossed and tumbled again and again, over every thing foreign to it, and seemed to delight in floundering about the

the trueism, that it was a good thing to lessen the navy debt. Having an estate to sell, the natural thing was, not to spend time in talking of the application of the produce of the sale, but, said Sir George, to take a survey of the estate, to examine what buildings were upon it, what profits the crops produced, and to judge, by such a survey, what price to put upon it, if sold, or what rent, if let. Would any man in private life bear to be told by a tenant, "I will give you six-pence an acre for what is worth a pound; and my reason is, an hundred years ago, when land was cheap, and for want of culture, your estate produced but little, your great grandfather let the farm I hold, at that low rent." In the present case it had been admitted, that the profits of the Bank were 239,000*l.* a year. The Bank wanted a renewal of their charter for twenty-one years. The sole question then was how much of that 239,000*l.* arises from their charter? Sir George said, he would assume that the whole did, and put the *onus probandi* that it did not, upon the bank. He then, upon that assumption, built an argument that the public were about to sell several millions for the paltry sum of 150,000*l.* After arguing this for some time, he said, the Bank business was to him something like art magic. They coined their flimsy pieces of paper. The king coined solid, weighty pieces of money, and the money was made of sterling gold and silver; yet the thin paper with certain magical circles drawn on it, was deemed the most valuable, and men were best pleased with obtaining it. He supposed the directors coined this paper at will, so that in fact, it cost them nothing to lend the public 2,000,000*l.* After putting this in a whimsical manner Sir George came to a more serious objection, and said that he objected to the point of time; not the time of the session, but the time that the bargain was brought forward, considering how much of the term of the present charter was yet unexpired. Was it wise, four years before the expiration of the charter, to make a new bargain. At this moment, when public credit was crippled, and the three per cents at fifty eight? Why not wait till they were better? Surely no man would presume to say, the war would continue five years longer, and that stocks would be lower than they now were, at the end of that period. After dwelling upon this for some time, Sir George added other arguments, and concluded by declaring he should vote against the resolution moved by the noble Lord in the blue ribband.

Secretary at
War.

Mr. *Secretary at War* rose, and supported the motion. He said, if the value of the farm was to be judged by the price of the rent, the value of the renewal had been but small in 1764. He shewed that the dividend of the company had been eight per cent. till that period, and then only four per cent. He declared he was in office with Mr. Grenville, and had often heard him say, he thought the bargain of 1764 a good one for the public. He remembered, in particular, that it was the general opinion that such was the national advantage of the Bank, that the public ought to ask no premium whatever for the renewal of the Bank charter at any time. An eminent merchant, a Bank director at the time, had strongly opposed the bargain of 1764 on the ground of its being too hard a one for the Bank. The gentleman was ever looked up to as perfectly master of all commercial knowledge, and he had a son now in Parliament of great ability and great information; and yet that respectable merchant had rested his opposition on the grounds, that the public had no right to expect a shilling for the renewal of the charter of the Bank. (Being asked, who he alluded to? he said the late Sir William Baker.) After dwelling for some time on the fact, Mr. Secretary argued the ridiculousness of thinking even of the breaking up the present company, and instituting a new one. He spoke of the great credit of the Bank, resulting from its great and extensive capital, its excellent management, and the punctuality of all its proceedings, and shewed the extreme danger of pulling down a fabric which had stood the test of near ninety years experience. He said the great amount of the profits was not ascribeable solely to the charter, but to the directors' industry and the large share of public confidence which they enjoyed. Another source also was, the circumstance of their being made the bankers of persons in great public offices, which, however, was the option of the individuals holding those offices. "For, says he, if either of my honourable friends (looking at Mr. Rigby and Mr. Ellis) chose to lodge the public cash intrusted to them at a private banker's, they are warranted in so doing. But as long as the Bank preserves its credit, undoubtedly they will not."

Mr. Hufsey. Mr. *Hufsey* said, he came down to the House with his head filled with ideas, as clear and as forcible against the proceeding farther with the present proposition as possible; but he feared he should not be able to state them correctly, so much puzzled and bewildered did he find himself in consequence of

what had been stated by the noble Lord and the right honourable gentleman who spoke last. There were, he observed, but two points to be considered: was the present proposition equal, with regard to advantage to the public, to the advantage the Bank would derive from a renewal of their charter; and was this the fit time to grant that renewal? With respect to the first, he thought he could make it appear, that the bargain was a bad one, and that the public had a right to expect a much better. He then went into an arithmetical statement of the present profit of the Company, and the situation in which the public stood with regard to their debt to the Bank, and the expence it would cost them to institute a new company, including the sums necessary to be raised towards paying off their debts to the Bank. In these statements Mr. Hufsey was clear, comprehensive, and accurate. After going through the whole, and reasoning upon each part, Mr. Hufsey asked why the noble Lord was to anticipate his successor of the advantage that might possibly be made five years hence, of a renewal of the charter of the Bank, and why, at this particular period, any bargain at all was thought necessary to be concluded upon? He also entered into an investigation of the sources from whence the Bank was to draw the two millions offered, and said, the directors certainly were not so unwise as to let that sum lay unemployed in their coffers. And if they took from any other fund, the sum would be missed and felt. He imagined the Bank meant not to do so. He supposed it was their intention only to lend their credit to the public, and that was undoubtedly the most prudent method. Mr. Hufsey contended that the charge of 86,000*l.* for management last year was in the highest degree unreasonable. He said the public kept cash at the Bank, and therefore the Bank ought to do the public money business without charging any thing for it. A private banker would be glad to do it on such terms. He was aware that 10,000*l.* of the 86,000*l.* was for transacting the loan, but the remaining 76,000*l.* he conceived to be more than all the expence the Bank were at, for servants, &c. and he insisted upon it, that if the Bank could afford it, they ought to assist the public with two millions at three per cent. ~~without~~ ^{without} having any reference to the renewal of their charter, of which it would be time enough to treat five years hence. He stated the profits of the Bank at 240,300*l.* and imputed the whole of it to the credit resulting from the charter granted to the Bank.

Mr.

Mr. Jackson.

Mr. *Jackson* supported the motion as every way warrantable. The bringing of the bargain forward at that period of the session, he said, he had objected to as soon as he had heard it; but he had been told those reasons for it which the House had just heard. The terms of the bargain he thought sufficiently advantageous, and estimated the value at 200,000*l*. He answered what Sir George Savile had said, with regard to asking the value of the produce of the estate in order to ascertain the rents, by desiring to know if ever a reasonable or wise landlord would expect the whole of the profits made by his tenant? He observed also that the buildings on the estate were not the property of the landlord. He paid Mr. Hufsey great personal compliments, but declared he was extremely sorry to hear it said in that House, that the Bank ought to come and offer to lend the public 2,000,000*l*. at three per cent. if they could afford it. The Bank were not bound to make such a tender, by any of the bargains for the renewal of their charters hitherto, and God forbid, that the Company of the Bank, or any individuals, should be expected to lend their money to the State, or have it taken from them whether they chose it or not. Mr. Jackson said, he had voted against all the measures that had brought on the present calamitous state of the country, but he could not vote against this which was calculated to relieve it.

Mr. Fox.

Mr. *Fox* replied, and said on the face of the bargain, estimating the interest of money by the three per cent. the interest was five per cent. and in that case the public sold upwards of four millions for 150,000*l*. Mr. Fox, with his usual ability, argued against the motion; in particular, he contended that the Secretary at War, by declaring that the Company owed its high credit and all its profits to its large capital, had in fact admitted, that its charter was the source of every shilling of benefit it derived, and all the credit it enjoyed, because the charter was indisputably the cause of its large capital. He also said that he wished the honourable gentleman who spoke last had voted oftner, as he had told the House he thought, that the late system of government was pernicious.

Mr. Jackson.

This called up Mr. *Jackson*, who declared he had uniformly voted for the repeal of the Stamp Act, against the ~~Bank~~ Port Bill, and the other bills, which he had declared both in public and in private, to be the cause of our misfortunes. But he had always voted for a supply, because as the country was in a state of war, he did not wish to leave it without fleets and armies.

Mr.

Mr. *Fox* apologized, and said, all he wished was, that public Mr. *Fox*. business had enabled him to have the honourable gentleman's company more often when he went out on a division.

Mr. *Hussey* said a few words in explanation of that part of Mr. *Hussey*. his speech noticed by Mr. Jackson.

Sir *Grey Cooper* said if what had been so ably stated by his Sir *Grey* noble friend in the blue ribbon, had failed of giving satisfac- *Cooper*: tion, he feared what he had to say would be equally unsuccessful. Sir *Grey* thought every argument founded on mistake, which had been urged against the motion.

The question was not whether the loan of two millions was an adequate price for the profits of the Bank, but whether it was an equivalent for the renewal of the Company's charter? Sir *Grey* instanced the opinions of Mr. Montague, Lord Godolphin, and other great characters on this point, when the Company was first established on a broad footing in 1696, to shew that each of those statesmen thought the establishment and prosperity of the Bank so much a national benefit, that they were of opinion no fine ought to be expected for a renewal, but that the Company should always be supported and cherished by the public.

Mr. *Dempster* said, that when the Bank was first instituted Mr. *Dempster*. in 1694, so little acquainted were the Directors with banking business, that they issued notes not payable at sight, but payable at a certain date; and when they became due, having no funds provided to answer the bills, the whole system was shaken, and the public were obliged to interfere and restore it. Mr. *Dempster* said as the Directors laid by one half per cent. for contingencies, he should estimate their profits so much higher than their dividend, and therefore he stated them at 290,000*l*. He reasoned upon this, and urged the postponement of any bargain for the present by a variety of pertinent arguments.

Mr. *Pulteney* said, the bargain came forward in a very suspicious manner. If the charter was now renewed, the Company Mr. *Pulteney*. would be independent of Government for twenty-one years to come, and the Minister might be refused assistance when the public stood in need of it.

Mr. *Samuel Smith*, junior, said the other side of the House Mr. *Samuel* had mistaken the matter. The 230,000*l*. was by no means *Smith*. an annuity; take away the exclusive right, and the supposed annuity would cease immediately. He stated it as the private profits of the Company's trade, with which the public had no right to interfere. He reprobated the idea of putting the

connection between the Bank and the public on the same footing as a connection between a private individual and a private banker; and said, as the public were generally, as had been stated, seven or eight millions in debt to the Bank, there could be no surplus of the public's cash in the Bank for the latter to turn to its advantage; consequently, the Company had a right to be paid for their management of the public affairs.

Mr. Pulteney.

Mr. *Pulteney* replied, and said the argument was fallacious. The public paid the Bank interest for its debt, consequently that was out of the question altogether; and as the Bank were in receipt of the public revenue, the Company derived greater advantage from being cashier of the public, than any private banking-shop did from its best customer. Mr. Pulteney renewed his arguments on the ground of the Bank's being independent of government in future, if its charter was now renewed for twenty-one years; and said, in that case, the minister could only get his loan forwarded by administering douceurs to the Bank Directors. He reminded the committee that the public had lost a million this year by the noble Lord's not having been master of his bargain, and having differed with the Bank Directors about it.

Mr. Byng.

Mr. *Byng* advised the noble Lord to fund two millions of navy debt rather than agree to the present bargain, which he said had been in the course of the debate so fairly proved to be so much against the public, that it was unnecessary for him to add a syllable on the subject.

Mr. Ewer.

Mr. *Ewer* (governor of the Bank) said, he should prove himself little worthy of that confidence which the proprietors of bank stock did him the honour to place him in, if he did not stand up in their defence, and declare as a member of Parliament, that the proposition held out by the Directors of the Bank, was such as he could meet on public ground. Were the case otherwise, he should be ashamed to shew his face in that House, because it was well known that he had some hand in the negotiation that had taken place, and in framing the proposition which the noble Lord had treated upon. He thought the Bank offered fairly and handsomely, when they offered the public a loan of two millions, at three per cent. interest for three years; but if the argument, ~~that~~ the public had a right to fine, equivalent to the value of the entire profits of the Bank was true, in that case he was ready to admit, he had made a bad and an unfair bargain for the public. He trusted, however, that no gentleman would
seriously

seriously maintain, that the public had any claim to the whole of those profits which arose from the industry, the hazard, and management of the Directors of the Bank. He was convinced the public had no more right to those profits than to the profits of the private trade of any individual, or of any private banking company. Impressed with this idea, he had agreed to that proposition, upon which the Directors had treated with the noble Lord, and nothing that had been said on the other side of the House that day had induced him to change his opinion. Some strange arguments had, he observed, been used in the course of the debate. One honourable gentleman had said, the Bank in offering a loan of two millions offered nothing at all, for that in fact it would not cost the Bank any part of that sum. Another honourable gentleman, who had, he should have supposed, a kind of hereditary knowledge of public business and of Bank affairs, said, he supposed the Bank would coin the sum by issuing so much additional paper, and therefore it was a mere piece of magic. Good God, could public business be so little known, that at this time of day it should be supposed that the Bank could coin whatever sum they wanted, by issuing just as much paper as the minister pleased? He flattered himself the conduct of the Bank was better known, and that no person was ignorant that such a circumstance was impossible. Another gentleman complained of the independence that would be given to the Bank by a renewal of the charter, and had said, "would the noble Lord make the Bank independent of Government for twenty-five years? in that case, the noble Lord might feel the want of their assistance the next year." In answer to this, it was necessary to remark, that the public were by far the best customers the Bank had. Their credit, their power of accommodating Government, arose solely from their being the cashiers of the public; and gentlemen ought to remember, that the Bank were the cashiers of the public, at the will of the public. They could not oblige the public to let them transact their money affairs. If, therefore, at any time, the directors acted so ill, so imprudently, or so rashly, as to refuse granting to government every assistance in their power, as often as the occasions of the state rendered such assistance necessary, government would have it in its power to continue the Bank the cashier of the public no longer, and that was surely a check sufficiently strong to put an end to every fear of the Bank's behaving less gratefully to the public, after the charter was re-

newed than before. Mr. Ewer said he must advert to a matter that dropped in a former debate; and that, because it had got abroad through the newspapers, and had made some impression without doors, much to the prejudice of the Bank directors. It was this: An honourable gentleman, whose indefatigable industry, high character, and acknowledged abilities (Mr. Pulteney) made every thing, he said, have great weight, had stated to the House that he had been informed that the Bank Directors, taking advantage of their knowledge of the bargain now under consideration, being on the anvil, had bought up navy bills to the amount of two millions; and that in consequence, they would only advance two millions to pay themselves back what those navy bills had cost them, so that they would make a considerable profit, and in fact not lend the public a shilling. In answer to this, Mr. Ewer said, he must declare, that whoever had acted the part of an informer, had done it to make himself appear of importance in the eyes of the honourable gentleman, and that he was not only a forward and officious person, but a bad man, because he had taken upon him to speak of a transaction, with which he had not, nor could have been in the least acquainted. Mr. Ewer added, that he did not hold himself so far answerable to any person either in that House or elsewhere, for the private transactions of the Bank Directors, as to be obliged to rise and satisfy every doubt that was casually suggested respecting their conduct; but since matters were gone so far, and what the honourable gentleman had stated had produced such an injurious effect, he would assure the House that the Bank Directors had not purchased a single navy bill since the first of April, the time the present proposition had been in agitation. Nay more, he would farther assure the House, that within the last six months, the Bank had not purchased any thing like the one half of the amount of navy bills which the honourable gentleman had been informed they had. The reason why the Bank had not purchased any navy bills since the first of April was, the consciousness of the Directors of the impropriety that there would be pending the negotiation of a bargain upon such grounds as the present, for them to purchase any; and the reason why they had not purchased more during the last six months, was, he supposed, because there had not been many in the market. If there had, and they had been a dead weight upon the public credit, Mr. Ewer said, undoubtedly the Directors would have lightened the load, from that principle which had always actuated their conduct,

conduct, viz. a readiness to assist the public whenever an occasion presented itself. Mr. Ewer declared there was something else which had fallen in the course of the debate, to which he wished to have spoken, but it had escaped him. He concluded therefore with saying, that he thought the present proposition a beneficial bargain for the public, and the terms at it he was convinced, were the best that the Bank could possibly come into.

Mr. *Hussey* said, he had never talked of the Bank's coining the two millions. He never dreamt of such a thing. He had said, that the Bank put itself to no real expence on the occasion, they only lent their credit to the public; and he had argued it in this manner: "It cannot be supposed that the Bank have two millions of unemployed cash in their coffers; to suppose that, would be to suppose the Bank Directors unwise persons. If they take the money out of any other fund, the effect will be felt somewhere;" whence he had concluded, that they lent the public their credit; and in so stating it he had argued to their credit. Mr. *Hussey* repeated his arguments that the 240,000*l.* annual profits of the Bank Company was ascribable to their charter, and therefore the public had a right to some equivalent for the renewal of that charter.

Mr. *Ewer* rose to explain, and declared when he had taken notice of the argument relative to the Bank's coining paper, he by no means alluded particularly to the honourable gentleman. He was perfectly aware that the honourable gentleman's argument was that which he had just stated it to be. Mr. *Ewer* said, that the Bank certainly would not have thought it prudent, to advance the public two millions on the terms proposed, unless the charter was renewed; it was that renewal which gave their credit stability, and made them venture the loan, which otherwise they would not perhaps have thought themselves justified in advancing.

Mr. *Hussey* said the honourable gentleman had himself confessed the truth of his argument *in toto*. He had admitted that the charter gave the credit of the Bank stability, and justified the loan of two millions. This was at once acknowledging that all the profits of the Bank arose from the charter, and that upon the strength of the charter, the Bank ventured to lend its credit to the public.

Mr. *W. H. Hartley* went shortly over the general ground of the argument against proceeding farther with the bargain this session, and contended that a matter of such importance ought not to be hastily concluded nor in thin houses. He maintained

likewise that there was no necessity for hurrying the business forward, and that the bargain was by no means equal to what the public had a right to expect for the great and obvious benefits resulting to the Bank from a renovation of the charter for 25 years.

The question being put, the committee divided. Ayes 109; noes 30.

June 14.

Agreed to the report of the resolutions of yesterday, for the renewal of the bank charter.

Ordered in a bill thereupon.

This being the day appointed for going into a committee on the bill for compelling the India Company to pay 634,000*l.* to the public out of their net profits, the question was put for the Speaker to leave the chair, and no opposition was expected to it; however a division was called for; and the bill had like to have been lost; for there was a majority of only three:—Ayes 28; Noes 25.

The House then went into a committee; and Mr. Ord having taken the chair, the petition from the East-India Company, praying to be heard against the bill, having been read, Mr. Rous and Mr. Erskine were called in as counsel for the Company; they both pleaded a considerable time; and maintained, that if the claim of the public to any part of the profits was well founded, still the demand of 634,000*l.* was too much by 232,000*l.* For as the bill now stood, the demand was made for a share in the profits of the Company for three years past; Now, according to the resolution of the House, upon which the claim was founded, the public was not entitled to a share in the net profits until the company should have divided 8 per cent. and reduced their bond-debt to 1,500,000*l.* The Company had, it was true, made a dividend of 8 per cent. at Lady-Day, 1777; from which day the public made its claim; but yet it was a fact that the reduction of the bond debt to 1,500,000*l.* had not taken place till the twenty-sixth of June following; and as by the resolution of the House, the public was not to enter into a participation of the $\frac{3}{4}$ ths of the net surplus profits of the Company, till that reduction should take place; so of course one quarter's share should be taken from the sum of 634,000*l.* actually claimed by the minister from the Company.

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When the counsel had withdrawn, the quantum of the demand that ought to be insisted upon by the public, gave rise to a conversation between Lorth North, Mr. Robinson, and the Lord Advocate on the one side; and Mr. Hufsey on the other. The last mentioned gentleman pleaded for the Company; he however wished for more than the counsel for the Company had desired; for instead of arguing that 234,000*l.* should be deduced from the sum claimed by Parliament; he maintained that the deduction ought to be 272,000*l.* On the other hand, it was urged by the noble Lord, that the Company had acted wrong in making a dividend of 8 per cent. before they had reduced their bond-debt to 1,500,000*l.* for according to the resolution of the House of Commons, the Company was bound not to divide more than 7 per cent. till the bond debt should have been reduced; and if the Company had acted improperly, it was not just that the public should suffer by it. However, he was so far inclined to meet the wish of the Company, as to lower his demand, and give the quarter of a year in dispute, claiming a share only for two years and three quarters, and not for three years: it was fair, that out of the surplus sum of 16,000*l.* that remained over and above the dividend in one year, the public should receive 12,000*l.* for its three-fourths. He therefore consented that the blank in the preamble for the sum which the public claimed, should be filled up with 402,000*l.* instead of 634,000. This passed without opposition; but when the Chairman put the question, "that the preamble, with the blank so filled up, stand part of the bill," Mr. Hufsey opposed it; and said he would divide the committee upon it, because the demand ought to be 40,000*l.* less. The gallery was then cleared, as a preparatory measure to a division: however, the committee did not then divide; but Mr. Nichols from the India-House, was then called to the bar, and examined, the gallery being still shut up; a little after he had withdrawn, a division took place; and the question was carried in favour of the preamble, with the sum of 402,000*l.*—Ayes 80; noes 45. Majority 35.

The other blanks in the bill were then filled up, and the House adjourned.

June 15.

On the second reading of the Insolvent Debtor's Bill, Sir George Yonge observed that these temporary bills were proofs of the inefficacy of our laws with respect to debtor and creditor;

ditor ; and pointed out the necessity that there was for some permanent system of regulation, by which the evils of those temporary expedients should be removed.

Mr. Attorney General *Mr. Attorney General* said, that if any such plan was formed and introduced, it would most certainly have his support, for the present practice was exceedingly disadvantageous as well as disgraceful.

Lord Beauchamp. *Lord Beauchamp* said, that he had introduced a plan of that nature, framed, as he had imagined, with considerable care ; at least with the approbation of the most learned and most respectable authorities in this country, and with their concurrence. It had been opposed, not by the great commercial part of this country, not by the city of London, who were the most interested in the matter, for they, very much to their credit, after consulting various legal opinions, and enquiring into the principle of the bill, had given their consent to it as a wholesome and expedient regulation. But it had been opposed by the lowest class of men belonging to the profession of the law ; and their intrigues had been the cause of its failure, against the good sense, wisdom, and liberality of the Legislature.

The bill was then read.

The East-India Territorial Bill was read a second time, when Lord North informed the House, that he understood the objections to be offered were confined chiefly to certain regulations in the bill, and not to the principle, which therefore would come with propriety in the committee.

The order of the day was then called for the second reading of the bill, to amend the act for the better prevention of clandestine marriages.

Mr. Ambler *Mr. Ambler* rose, and opposed the bill, as he considered the Marriage Act as highly advantageous and necessary to the well-being and good order of society. He said, there were obstacles in the way of clandestine marriages before the origin of this law ; but they proved ineffectual and nugatory. The obstacles were, that the clergyman who married a couple in a secret manner, without the publication of banns, was liable to the penalty of a hundred pounds, and in failure of payment, to imprisonment. This was a mere bugbear. Obscure men set up and made a trade of marrying. ~~It~~ was idle to prosecute for the fine ; they were not worth a sixpence ; and as to imprisonment, they were already in that predicament ; for those marriage-shops were all in the Fleet-prison, and the persons who made a profession of it, confined in that jail.

jail. The evils arising from this practice were many. Those dark and secret marriages were attended with consequences of the most fatal kind, proofs were wanting of the marriage, by which its validity could be ascertained, and the legitimacy of the issue established. There were books kept of the marriages in the Fleet; but from the manner in which these books were kept, from the erasures and insertions that were made, the courts of law in Westminster never would admit those books as proofs of marriage. The Romans were of opinion, that the consent of parents was necessary until the couple should arrive at the age of twenty five. It is not therefore either a new or a severe law, and it has not been felt in its consequences as injurious or productive of events either to be dreaded or removed.

Surly, indeed, no gentleman would think of letting a boy at his trade, or a girl at twelve, which are the common law ages, decide at a time when they had not yet come to the power of distinguishing right from wrong. Wise men in all ages, he said, had taken care of their progeny, and not left them to a chance for precursors: but there was another motive which connected with him; he meant decency. He remembered, and he believed many other gentlemen remembered, when they were running up through wide streets, with "Marriages" in their hands. He said, it might be objected that marriage was one of the rights of nature. This he was aware of, but even there not many other rights of nature which the Legislature thought proper to restrain. Property was a right of nature, yet there were many restrictions under which the laws curbed it. Upon the whole then, he could not see any reason for altering a law, which he believed had done much good, and which he could not feel to have done harm.

Sir George *Town*, with very great energy attacked the arguments of the learned gentleman, and spoke of the Marriage Act as a very disgraceful and pernicious law. Surely, he said, the learned gentleman must know that there was a law in the twelve tables of Rome, by which, if a man and woman cohabited together for a twelvemonth without being absent from one another for three days and three nights together, it was a legal and valid marriage in every sense of the word. In Holland also, those who were not of the established religion might be married by two justices, and this was very wisely and properly suffered, because that prudent people knew that population was the wealth of a country.

try. The provisions of the act were cruel as well as impolitic, and if it had not been owing to the friendly and wise interposition of Scotland the consequences would have been dreadful. A noble Lord had brought in a bill to remedy some inconveniences that had been felt, but those were not all the inconveniences that were likely to ensue, and Parliament would be under the necessity every now and then to bring in a bill to remedy those inconveniences.

But the Marriage Act was not only impolitic, it was wicked also, for it destroyed that union which affection had begotten, and which the want of some trifling ceremonial had legally made invalid, in contradiction of that great commandment of the Almighty, which however unfashionable the book from which he quoted might be, he would on this occasion use as an authority in point; he meant, "Those whom God hath joined together, let no man put asunder." Yet in defiance of this positive law, have our laws thought proper to set aside marriages, for want of something beneath the attention of a legislature, which regarded either the moral or political happiness of its subjects.

General
Burgoyne

General *Burgoyne* warmly supported the motion, and contended for the propriety and necessity of repealing the Marriage Act. It was a law founded in the weakness of avarice and pride; but he thanked God that the absurdity of the act had been the means of preventing the malignancy of its intention. He believed that it would be confessed that Sir Dudley Ryder, who was the warm friend and advocate for this bill in its origin, gave it as his opinion, in that House, that it was aimed chiefly at the higher order of the state, and that if it was possible to make a distinction between them and what was called the vulgar, he would have done it. This was the argument in the institution of this bill, and perhaps so disgraceful an idea never was started. What, would the House of Commons presume to make a law in which the orders of life were to be divided, and the vulgar, that is to say the body of the people, that body of which the House of Commons was, or ought to be the guardians, the representatives, and the members, to be particularly pointed out to suffer by the insolence and the avarice of aristocratical rules? The meaning of this argument and doctrine of Sir Dudley Ryder went to this purpose, that a monopoly should be established of the estates and fortunes of the great families in this country, and that they should not mix in marriage with the lower orders of the people.

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This was a doctrine hostile to the pure principles of the constitution, and which ought to be scouted by every friend and lover of that mixed system which had been so long and so justly the envy and the admiration of Europe. Were not the members of that House in some sort the vulgar; they were the Commons, not the quality of England; and he must add, however it might grate the ears of pride, that it was from the vulgar that this country must look for deliverance. For the sake of this abominable purpose this law was enacted; obstacles were thrown in the way of matrimony; and the poorer part of the people in particular, were subjected to inconveniencies prejudicial to population, but friendly to debauchery. He said, that, in his opinion, if a hundred young noblemen should, previous to this law, have been married to their mother's chambermaids, it would be a much less evil, in the eye of God and the constitution, than if, through this law, one virtuous, poor, and affectionate couple had been prevented from marrying. It was a law which flew in the face of nature; and it had been successfully defeated by every couple who had it in their power to pay for a post-chaise to go to Scotland; and therefore all the bad consequences, all the evils, and all the hardships, had been suffered by the poor. He called youth the season of generosity; and it had been constantly remarked, that the young men in that House had distinguished themselves by their endeavours for the repeal of this law. When he looked round him, and saw so many young men of fashion and influence, who had adorned this Parliament in so particular a manner, by a display of talents and of zeal unequalled in any former period of our history, he doubted not but that now they would assert the becoming spirit, and shew that the head of age was not so wise as the heart of youth. This gallantry would inspire them with sentiments more noble than those which flow from pride or avarice, and instigate them to stand forward on this occasion, as the advocates and protectors of the fairest objects in the creation, who were the chief sufferers by this inhuman law. He had, for a second time, the honour of endeavouring to further this bill; but he did it now with a greater conviction in its favour than he had then; for he had, since that period, the opportunity of seeing a country unshackled with such fetters; he had beheld America, Briareus like, supported by the hands of matrimony. They stood forth in her battles; and it was by the freedom, and the easy access to matrimony, that their ranks

were filled, and that they had grown to so astonishing a power as to contend with Britain. He was of an opinion with his honourable friend, that population was one of the great objects of every country, and that in distress and in difficulties, he that can boast of his subjects may apply to himself the beautiful passage in scripture, "Like as an arrow in the hands of the giant, even so are young children." Happy is the man that hath his quiver full of them; they shall not be ashamed when they speak with their enemies in the gate." He concluded with paying a compliment to the abilities of Mr. Fox, in adverting to the expression, that he would not have had existence if the spirit of the marriage-act had been some time previous to his birth.

Mr. Courtenay
pay.

Mr. *Courtenay* opened his speech by saying, that notwithstanding all that had been urged with such strength of reason and force of argument, against the marriage act, he was still bold enough to stand up as an advocate for that act, which, in his opinion, had been so insidiously calumniated and misrepresented. He should therefore adduce some additional arguments in support of the principles of that wise and judicious act, which had even escaped the sagacity and acumen of the honourable gentleman (Mr. Ambley) who had spoken so learnedly and ably on the subject. He would even venture to combat the decided opinion of a most respectable authority, the late Judge Blackstone; and, with the permission of the House, would read a short extract from his *Commentaries* on the point. "Much may be, and much has been said, both for and against this innovation on our ancient laws and constitution. On the one hand, it prevents the clandestine marriage of minors, which are often a terrible inconvenience to those private families wherein they happen. On the other hand, restraints upon marriages, especially among the lower classes, are evidently detrimental to the public, by hindering the increase of people, and to religion and morality, by encouraging licentiousness and debauchery among the single of both sexes; and thereby destroying one end of society and government, which is *concupiscite prohibere vago*. And of this last inconvenience the Roman laws were so sensible, that at the same time that they forbade marriages without the consent of parents and guardians they were less rigorous upon that very account with regard to other restraints; for if a parent did not provide a husband for his daughter by the time she arrived at twenty-five, and she afterwards

afterwards made a slip in her conduct, he was not allowed to disinherit her upon that account ; *quia non sua culpa, sed parentum id commissum cognoscitur.*" The sentiments of this celebrated and learned Judge, continued Mr. Courtenay, are, it must be allowed, pretty clear and strong; yet he would bow to no authority, convinced that he stood on the 'vantage ground of reason and philosophy. 'What are we to understand, continued he, by the law of nature? Is it not being governed by those instinctive passions and appetites implanted in us by nature? Is not this sacred law paramount and superior to all other laws, which often derive their vicious origin from force and fraud, and produce those artificial bonds in society, by which natural liberty is restrained, and mankind (contrary to the benign and evident intention of Providence) is rendered permanently miserable? Is not wedlock one of these artificial bonds? And have not the framers of the Marriage act, by throwing every possible obstacle in the way of matrimony, wisely, humanely, and generously endeavoured to restore the law of nature, and to encourage that enchanting intimacy between the sexes, without the pernicious ceremony of marriage? But as some gentlemen were sceptical, he would attempt to prove, beyond a possibility of doubt, that the framers of the Marriage act were influenced by the noblest patriotic motives, and that Britain derived every blessing she enjoyed from their liberal and comprehensive way of thinking. In the first place, he was convinced, that by a monopoly of marriages among people of the highest rank and fortune, the purity of blood would descend from generation to generation, and their virtues and their wisdom, their talents and their integrity, as well as their titles and estates, would be perpetuated in their families *in sæcula sæculorum.* Who would doubt this fact on contemplating the present race of right honourables, whose blood had flowed down from father to son, in one clear, deep, and stately current of pure nobility, neither fouled nor contaminated by any sordid plebeian mixture. Did not we see how distinguished these men were in arts, arms, and science? and to what could such great and shining qualities be ascribed, but to the virtue of their ancestors, which they certainly inherited by descent; and therefore very properly took little pains to acquire such brilliant qualities themselves? On the same wise and laudable principle, the Arabians preserve the noble breed of their horses, (which never degenerate) and keep their genealogy with as much care as we register the illustrious

trious lineage of our great families in the Herald's Office; and is it not absurd, and almost impious to suppose, that any part of the brute creation have any advantage over us in this respect; and that the same philosophical system may not be equally extended to improve, sublime, and exalt the human species! Have not all the wise nations of antiquity adopted the same policy? Did not the Jews always confine the marriages to their own respective tribes; and one of their rabbies (who was a good physiognomist), assert, that the features of the twelve sons of Jacob, and their mental qualities, discriminate the twelve tribes of Israel to this day. Do not the Gentoos, another nation celebrated for their policy and antiquity, prohibit, by severe penalties, inter-marriages between their different casts? And might it not just at this time have a very good effect, and tend to conciliate the affections of that people, to have our Marriage act sent out to India? and no doubt some of our Nabobs, out of gratitude for the fortunes they have so honourably acquired there, would readily be at the expence of a translation: this would perhaps convince the Bramins, that the principles of some of our laws are congenial to their own, and attach them more firmly to the British government. In the course of the debate, an honourable Baronet (Sir George Yonge) had said, that by the law of the twelve tables, cohabitation for a twelvemonth, without being absent three days together, became a legal marriage; it was very true, there was such a law in those days; but every body knew it was in the infancy of the state, when Rome was a barbarous republic, when their senate had nothing else to consider but wedlock and population, (synonymous terms among them) and cutting their neighbours throats. But when they became polished and refined by the genial influence of the elegant arts, under the auspicious and mild sway of their Emperors, wedlock was no longer encouraged; the Chloes, the Lesbians, the beautiful courtezans, the reigning toasts of the day, were celebrated by every man of wit and fashion; and Horace, in his cups, gaily calls out, *Quis æviæ scortum elicit domo?* The Roman senate, enlightened by Grecian learning and the study of philosophy, (chiefly Epicurean) considered matrimony as a state liable to much care, perplexity, and endless disquiet, and therefore consulted the happiness and prosperity of the people too much to encourage it. The same reason induced our Legislature (who acted on similar public-spirited Roman principles) to prevent young inconsiderate people from taking
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this fatal, irretrievable step. Was it not the highest wisdom in them to check and counteract those innate impetuous passions, that ferment in youthful breasts, which plunge them in love, and entangle them in wedlock. He begged the House would particularly consider a few beneficial effects resulting from the law now in force, which would inevitably be lost by its repeal: in the first place, many a pair are now united in the sacred bands, without the least passion for each other; they expect no happiness in marriage, and therefore cannot be disappointed. Their prudent parents, or cool-blooded guardians, (from their own experience) know very well that a connubial attrition, which must necessarily take place, may light up the flame of love, as two sticks will take fire at last by continued friction. He requested the House would also recollect, that the present plan was also favourable to divorces, and surely these were highly beneficial to the public; for as the parties often married again, two marriages were produced out of one; as the cutting of a polypus in two, instead of destroying, multiplied the species. This he only urged as *argumentum ad hominem*. Mutual indifference also naturally produced gallantry and intrigue, and consequently that high polish and refinement of manners for which our neighbours, the French, were so justly celebrated; and which enabled them to give the ton to all Europe; but, as it is universally allowed that the British genius leads to improve on whatever they invent, it is to be hoped we shall soon excel them even in this; and by the astonishing and rapid progress we have made (in the graces) within five-and-twenty years, that triumphant period is not very far distant. He remarked, that reason was weak, and passion strong, in the youth of both sexes, from sixteen to twenty-one; this was the critical age of innocence and delusion:

“ When fair opinion gilds with varying rays,

“ Those painted clouds which beautify our days.”

The ingenuous youth then views the charms of his mistress with all that ridiculous heart-felt love, and affection incident to folly and inexperience; she listens to his honeyed vows, and if the Marriage act did not terrify them from the crime, they would undoubtedly marry. But the impracticability effectually saves them; and what is the consequence? She yields to the bewitching suggestions of love and nature; the young man grows wise; his eyes are opened; he knows good from evil; sees things in their true light; and thus improved
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and enlightened by his first essay in the philosophy of nature, he acts and thinks as a man, gets rid of all childish prejudices, and frequently, for the remainder of his life, prefers the sweet and transient enjoyment of a mistress to the perpetual and embittered possession of a wife; the spell is broken; he forsakes his once beloved mistress; and if a child is born, it is committed to the tender and fostering care of the parish; and the mother, with all her rural bloom and beauty, comes up to town, and becomes a valuable acquisition to the public; and, by a liberal distribution of her charms, she, in her turn, prevents our giddy unthinking youth from ruining themselves, and bringing disgrace on their families, by marrying prematurely. In all civilized nations, this class of females has been protected, and no institution, ancient or modern, has raised so many recruits in this way as the Marriage act. In the virtuous times of our ancestors, a particular district was appropriated for the residence of these liberal females; and as the clergy then claimed an exclusive right on all nice and delicate points, in which conscience and pleasure were concerned, the care, patronage, and protection of these females were committed to the Archbishop of Canterbury. The Marriage act, he said, produced numbers of illegitimate children; *filii nullius*, by the common law, was the definition. Bastards were the children of the public; for the public may justly claim the children of nobody. They were a hardy race, unspoiled by the mistaken tenderness of parents, bred up under the parish officers with all the rigour of Spartan discipline, and were great and never-failing resources to supply our fleets and armies.

An honourable gentleman (General Burgoyne) had held out to the House the policy of America; which (unblest by a Marriage act) gave every encouragement to wedlock and population. He talked of the golden age of America; that was long passed, and, as it was now the iron age there, he hoped we should not pay much attention to her police or institutions. The honourable gentleman might as well recommend another custom, (not uncommon in America) the custom of the lads and lasses bundling. The ceremony, he heard, was this—the young man and woman sleep together, but preserve the strictest bounds of decency and decorum, by not taking off their under clothes; however, if the Stamp act takes place under this restriction, and the girl proves with child, they are, *ipso facto*, married; but if nothing substantial is produced, it is supposed that nothing passed but
harmless

harmless play, and the couple return to their former state of independence.

He then adverted to the situation of Ireland, where poverty and population went hand in hand; because there were priests in that country who would marry a couple for a shilling and a bottle of whiskey; and every cabin was crouded with five or six children; those who had not been in Ireland could have no idea of such a scene; but he had often seen half a dozen of infants almost naked, sporting on a dunghill before the cabin-door, and their white and shining skins put him in mind of blanched almonds stuck in an orange pudding.

He next called the northern members to vote against the present bill, as a repeal of the Marriage act would prevent many jaunts to Scotland; by which the duties on post horses would be diminished, and the revenue, of course, suffer. Besides, that many people would lose the pleasure of seeing that celebrated country, which, but for matrimonial business, they would never visit.

One more objection he would obviate, and then conclude; it had been triumphantly urged, that by the strict letter of the Marriage bill, a number of the clergy, and even some Bishops, were liable to transportation; or, instead of that, might be sent to the *Justitia* at Woolwich. But he begged the House would seriously consider whether (supposing this actually to take place) many beneficial effects might not result from it. The convicts would be reformed by the morality, piety, and sobriety of their godly conversation, and many souls would be saved. There would be no farther necessity for paying a chaplain, (a great and unnecessary expence) which some gentlemen had complained of in the beginning of the session) and the noble Lord in the blue ribband could then have no apology for still insulting and burdening the public with this national grievance, and increasing the civil-list establishment.

He submitted to the House whether he had not, on the sound principles of reason and philosophy, demonstrated the wisdom, policy, and utility of the Marriage act; that it was consonant to the law of nature, and the uniform practice of every civilized and enlightened nation, ancient and modern; consonant to the genuine principles of our free constitution; equally tending to promote public and private happiness, to increase the revenue, prevent additional taxes, and diminish the poor's rates, which must still rise, (enormous and oppressive

as they were at present) by beggary, population, and wedlock. A manly, strenuous, and effectual opposition to the present bill, could also prevent those great national calamities which must inevitably ensue by a repeal of the marriage act. He therefore hoped every friend to this country would defend and support it.

Mr. Yorke. Mr. *Yorke* spoke next. He defended the principles on which the marriage act was originally brought in, and the part which the Earl of Hardwicke took in it. In his opinion it was founded in wise and necessary policy. As to the harangue which the last honourable gentleman had made, it would have been fit for the school of eloquence, but was certainly indecent in that House.

Mr. Joliffe. Mr. *Joliffe*, notwithstanding the severe satire that had been made upon the marriage act by Mr. Courtenay, said, that he was yet a friend to it, and would oppose its repeal. No grievances had arisen from it, no real grievances: whoever was able to pay for a postchaise, could go to Scotland. It never was complained of till the late occasion in the Court of King's Bench, and in that case a noble Lord had provided a remedy. It was not at all a clear point that it had produced any inconvenient consequences; none had ever come to his knowledge. He described, in a lively manner, the affliction arising to families of distinction from the imprudent marriages of their children. An honourable gentleman whom he had in his eye, who was a distinguished foe to the Marriage act, (Mr. Fox) did not know a parent's heart; but he hoped he would know it one day, for he trusted he had not made any resolution against entering into matrimony.

He hoped he would have a son who would transmit the abilities and virtues of his father and grandfather to a late posterity; and who would be the darling of his father, as he was of Lord Holland, whose affection for Charles, who was his favourite son, was unbounded, and who always spoke of him with rapture; but whether Mr. Fox should ever marry or not, he knew that his generous heart embraced with tenderness all his relations. Could he think, without horror, of the present young Lord Holland tarnishing the honour of his house by a marriage with a common strumpet? Yet to so great misfortune was every youth exposed, if at every turn, in every place, a priest was to be found, who would perform the ceremony of marriage, and that marriage be valid.

The law did not infringe the natural liberty of mankind in marriage, but obliged them to take time to think before
they

they ventured on the most important step in their life, on which their happiness or their misery so much depended. He said that many younger persons were sent over to this country for their education, both from the East and West Indies, who might fall a prey to necessitous and designing vagabonds. It was an easy matter to corrupt the fidelity of a school-mistress, who, after giving the suitor frequent opportunities of being with the young lady, says, Why, really Miss, he is a very agreeable man; you could do no better than marry him; and the thing is done at once. The young lady, stripped of her fortune, is abandoned by her robber, and left to disgrace and want.

He said, that the difficulties which had arisen under the Marriage act, were from the misapplication of that act, and not from any error in it. He said, that the act had borne the test of years, without any amendment or proposal for that purpose, one only excepted, made by his noble friend, and this gave it, he believed, a sanction in the opinion of the House. In short, it was a most salutary and necessary law, and he should never give his vote for its repeal.

Mr. Fox then rose, and made his celebrated speech in favour of his motion. The honourable gentleman began with an observation on the ironical arguments that had been urged by Mr. Courtenay against the Marriage act. They were not, perhaps, such as he should have chosen to have urged in that House, if he had possessed the talents that were necessary for the task. They were, however, such as would shew the House the absurdity of the act, and the necessity of repealing it. The defence that had been set up in favour of the Marriage act, was not what could possibly incline the House to support it. The gentleman who had spoken last, had argued that the act had not produced the effects to which it was said to be calculated to give rise. There had been no complaints made; no inconvenience had been suffered until the late instance in the Court of King's Bench, and for this ill consequence, a noble Lord had provided a remedy. Was this an argument for the continuance of the law? What! because it had been nugatory; because, through the happy absurdity of its intention, it had failed of producing the consequences for which it was designed, it was to be suffered to continue to disgrace the Statute Book! If it had taken effect, the honourable gentleman would then, according to his mode of reasoning, have had no objection to its repeal; but because

it had done no harm, because it had been ineffectual, because it had been nugatory, it was to be considered as beneficial, or at least as harmless. The honourable gentleman placed this in various points of view, and contended that this, which was the only intelligible argument that had been adduced in favour of the bill, ought to urge and instigate the House to a repeal; for it was an acknowledgement of its danger, of its impropriety, of its baneful and pernicious tendency, and all that it meant to inform was, that its weakness was greater than its wickedness; that it had not power equal to its will; and that having been conceived in folly, it had ended in disappointment. Why should a statute stand upon the books, whose only defence and whose only merit could be found in its inefficacy? It was a ridiculous and a disgraceful predicament, to which gentlemen were reduced in supporting a doctrine that was contrary to the laws of nature and reason. He had seen three attempts made to repeal this law; one of them he had made himself, and one of them had passed that House to meet its overthrow in another place; and on all these occasions he had never heard one good, sound argument in favour of the bill. Neither on these occasions, nor on the first introduction of the bill into the House, agreeable to the best of his information, had there ever been an argument advanced in its favour, which ought to have weighed with the Legislature for its passing. He believed, as it had been suggested by his honourable friend, that Sir Dudley Ryder did express a wish that he had it in his power to separate the high from the vulgar, and prevent their intermarriage and mixture. Good Heaven! could any thing be more disgraceful or more contrary to the spirit and excellence of our constitution? It was a ground to which the present friends and supporters of this bill were ashamed to resort.— They flew to other refuge, and contented themselves with inapplicable arguments drawn from examples of countries in which there was no analogy to our own, and from which no fair and just conclusion could be drawn. But notwithstanding their new arguments, the fact and the truth was, that the original intention and purpose of the act was, as Sir Dudley Ryder had confessed, for separating the persons of high rank and fortune from the mass of the people; and with this infamous design, an act had been made which only affected the lower orders of life; for all its consequences had been defeated in those circles where it was chiefly intended to take effect. Whoever could pay the expence of a postchaise to
Scotland,

Scotland, laughed at and defied the bill. It was only against those who could not afford that expence that it had operated as a grievance. The learned gentleman who had begun the opposition to his motion, had gone into a train of reasoning which to him was inexplicable. He had confounded the laws of man with the rights of nature, and had considered property as a natural right. It was by no means so. It was an artificial right, the creation of human means, perfectly adventitious, and by no means connected with the dignity, the rank, or the happiness of nature. Marriage was, on the contrary, a natural right. He had asserted this on the occasion of his introducing this matter to the House before, and had been contradicted and laughed at for the assertion, but he still maintained, that marriage was a right of nature, to which every creature was in common intitled by the wise laws and dispensations of Providence. This assertion he explained and proved, by saying, that the intercourse of the sexes was a natural right, a right recognized by the laws of the country, and of which they could not be deprived by human institutions. That intercourse was limited by the laws of this, and of every other civilized and Christian country, to a state of wedlock. This then being the only legal condition on which the natural right of intercourse could be exercised, he was intitled to say, and after this explanation he trusted he should not be contradicted, that marriage was a natural right. What then! could the legislature of this, or of any country, conceive in their insolence or in their folly, that they had it in their power to reverse the decree of God, to alter the system of Providence, and to destroy, by a human law, a natural right! For this reason he had always conceived, that this act was one to which the legislature were not competent from their authority, and much less from their capacity. He did not conceive that Parliament had it in their power to destroy or to abridge one right of nature; such was the right of marriage; such was the right of human liberty, for which our constitution had so amply provided. But if they had presumed, at any moment of pride or avarice, to do that for which they were not constituted, the other obstacle had intervened, and defeated the intencion as well as the end. This was the obstacle of their incapacity. It had been visible in other instances. it had operated to the advantage of mankind in this. For though the Marriage Act had been framed with all the ingenuity and all the caution of human skill; though there was no error
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or defect in any of its provisions, yet it had failed of producing the desired end. Why? For the same reason that all such bills, however subtle, must fail, in which the cunning of man dares to set himself up in opposition to infinite wisdom, and to the eternal laws of God. But it was said, "This act does not destroy the right of marriage, allowing it to be a natural right, it only suspends the enjoyment of that right for a time. After the age of twenty-one the party is at liberty to enjoy that right, for then he or she is arrived at the age of judgment and of discretion." The futility of this argument was evident from the recital of it. Was there any such limitation in the laws of nature? Did she point out any period when the human mind might without fear be left to follow its own dictates in the enjoyment of this great right and purpose of their being, after having matured the creature for the enjoyment of the right, did she restrain him for a time from that enjoyment? No; on the contrary, nature pointed out the tyranny of the restriction by the general operation of her system. The age at which the sexes were marriageable was several years sooner than the age of twenty one, and for several years therefore they were deprived of the enjoyment of this natural right. They were deprived of the exercise of it in that season of life most favourable to all the noble and generous inducements of the mind, when with the warm incentives of love and affection the sexes met without these low and sordid views which interest pointed out, and which age and avarice confirmed. The season of youth is the season of passion, when the heart possessed all its feeling and sensibility, untainted by the mercenary considerations which afterwards our commerce with, and knowledge of the world were likely to inspire. This then was the season when connections were likely to be formed between the sexes, which having their origin in mutual passion, were calculated to confer permanent felicity. It was passion and not reason that was the best capable of providing for our happiness in wedlock.

If we were in every great occurrence of our lives, and particularly in this, to wait for the slow decisions of reason and discretion, what must be the consequence? Solitary singleness and general depopulation; for if men in a cold and sober mood, were to sit down to calculate all the probable advantages and disadvantages of wedlock, the disgusts and anxieties, and all the tribe of contingencies to which the weaknesses and vices of the heart so often gave birth, how few, how
compara-

comparatively few, of the human race would venture on the state ; for in such a calculation, what were the considerations that would have weight? Similarity of age, gentleness of disposition, and above all, union of hearts? No; these would be secondary considerations, and the primary would be fortune, birth, connections, and splendour. These were the motives that actuated parents and guardians in their negotiations for their children and wards, and these were the causes of all the multiplied varieties of connubial misery. It was to him a plain, simple, and positive maxim, that no person, not even a parent, with all the love and tenderness which he might be supposed to possess, and much less a guardian without those ties, could possibly judge so well for a son, a daughter, or a ward, as the person themselves. We were always the best judges of what was most agreeable to our own dispositions, our own wants, and our own desires in life. In that generous season, which was prohibited by law, the young parties were more likely to judge well for themselves than their parents or their guardians. The one would decide from passion, the other would argue from prudence ; and in this respect it was, that, as his honourable friend had with truth and beauty expressed it, “ the heart of youth was wiser than the head of age.”

Philosophers might argue as they pleased for the prevalence of reason, it was however a fact, which neither moralists nor philosophers could deny, that nature had planted passion in the heart of man for the wisest purposes, both of religion and of life ; and it was finely calculated in many cases, to subdue and overthrow reason ; to rise superior to its slow authority, and to urge the mind to enterprizes, in which there was at once both danger and delight.

Dean Swift had a maxim, in the truth of which he argued as thoroughly as he ever did in any sentiment or axiom whatever. It was, “ That there were two passions in the human heart superior to the government and controul of reason, and which were planted there by a particular Providence, for the preservation of the species ; these were, the love of life, and the love of the sexes.” The first was of manifest advantage, for were it not for this principle, warped round our hearts, and made part of our being, could we, in moments of agony and despair, resist the influence of reason, and her forcible persuasions to annihilation? This love of life made us bear up against the torrent of disaster, and all the evils with which we were doomed to struggle in this world. The love of the sexes
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had equal operation on our conduct. It rose superior to all the chilling dictates of prudence, and made us hazard that, which, if we were to consult conveniency, safety, and advantage, perhaps we ought with caution to avoid. These principles then were wisely planted in our bosoms for the preservation and the happiness of the species; and no human law could possibly destroy or even diminish them.

But it was said—What! shall the indiscretion of an hour, of a moment, of a rash moment of deluded passion, be the means of fixing permanent misery on an unhappy youth, or an unfortunate female, by an unadvised marriage? To this he should answer in few words, and in very express terms, that such was the provision of nature, that when persons entered into the state of wedlock they were doomed to suffer its hardships or to enjoy its pleasures. It was a consequence which the legislature of this country could not by its authority prevent. As well might they attempt by power or by art to overcome all the other dispensations of nature. As well might they say, that it was a melancholy consideration that a female, in consequence of one false step, of one indiscretion, should incur penalties of an excruciating and a permanent kind; that she should be forced to bear about a tedious burthen for nine months, and be subject to all the confinement and pains of pregnancy. True.—But it was a law of nature which neither the talents nor the power of man were able to subdue, and which it would be wickedness and presumption to attempt. This was exactly the case in the present instance. The sufferings and enjoyments were the lot of man, and were not to be assumed as a reason for impolitic, unjust, and cruel prohibitions.

Besides, on the principles of wiggism, the Marriage Act was unjustifiable, and inconsistent with the spirit of our constitution. The spirit of wiggism holds and declares it as a doctrine of British privilege, that no subject shall be forced to obey a law to which he did not give his consent by himself or his representative. This law however, in contradiction to this avowed principle of liberty, created an arbitrary authority in the parent and the guardian over the child and the ward. He knew that many virtuous men who loved and maintained the principles of wiggism, from their mistaken zeal for this act, refused their assent to this argument; and said, “that surely an authority might be securely vested in the parent or the guardian, as they must be conceived to be more capable, from superior reason and intelligence, of judging in
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this important point for the happiness of those intrusted to their love and care." This was an argument which would certainly apply with as much justice and weight to despotism as to parental authority. It was the argument constantly made use of by tyrants to justify their power. "Why do you attempt to deny me power and despotic sway?" says the King of France, or any other unlimited monarch, "surely I will exercise it for your benefit. What! shall ploughmen be left to deliberate and decide on what is best for them? Shall labourers—shall mechanics—shall the lowest and most ignorant of the people be permitted to judge of government? No, they know not what is good for them; place despotic authority in my hands, you may place it with confidence, as it will be exercised with moderation, and you may also be assured, that it will be held and employed only for your good." This was always the delusive and the weak plea for despotism, and what was the answer of those who stood up for the elevation of the species on the basis of just government and common liberty? "No, every man, even the lowest and the most ignorant labourer and mechanic knows best what is good for him to enjoy, and what is painful for him to suffer. No man can contrive his happiness and his comfort so well as himself, and therefore he will submit to no law in which he has not a voice, either by himself or by his representative." This was the true doctrine of wiggism, and it applied as fully and effectually in this case, as it did in that of civil government. But it was immediately said, What! would you permit a boy of fourteen, and a girl of twelve years of age to judge for themselves? Would you suffer them to yield to the hasty emotions of desire, and marry without the consent of their parents? In all this stile and train of reasoning, there was the most palpable deception. People argued on this ground, as if there was no interval or intermediate space between the age of fourteen and that of twenty-one. By this they endeavoured to divert the mind from the true consideration of the question. If Parliament in their wisdom think it fit that there should be a limitation, let them, in the settling of that restriction, consult the decorum of nature, and take her example for their guide. Let them from observation and experience affix to the right of marriage the period which the general mother of mankind points out for its enjoyment, and not suspend it for seven or eight of the most valuable years in the life of man. He had framed his bill indeed without any limitation in this respect; because, being forced himself

to undertake the task, he was under the necessity of framing it agreeable to his own inclinations and sentiments on the subject; but though he thought that there should be no restriction whatever as to the time of marriage, he was not so bigoted to his opinion on this part as to resist the sense of the House, and he would be ready to hear the opinions of gentlemen on this topic.

But there was another argument against this restriction, which in his opinion was of a very strong nature, and with which he could not by any means reconcile the conduct of the legislature in passing the Marriage Act. The established religion of the land, the religion which they all respected and professed, that of Protestantism, did not admit of celibacy in any degree. It denied marriage to no human being, but considered it as a divine institution for the wisest purposes, which ought to be encouraged, not retarded by the laws of society. Could the legislature then, agreeable to the solemn constitution under which they had their authority, consistent with the oaths which they had taken, and with every obligation, moral and political, could they presume to alter or to innovate the religion of the kingdom? Could they graft the inconvenient branches of Popery on the trunk of Protestantism? No. The religion of the land in all its parts was sacred, and they had it not in their power to deprive their fellow subjects of one right enjoyed under the dispensations of this religion. What did the Marriage Act do? It established celibacy for a considerable part, and that too, as he had said, the most valuable part of the life of man, unless he should submit to authority inconsistent with human freedom and with British rights. Celibacy even for a time, when enjoined by arbitrary mandate, was contrary to our religion; the wise and the pure policy of which was to invite the species to matrimony, as the most expedient and the happiest means of intercourse in society and of population on the earth. It wisely foresaw that no human institutes could possibly counteract the great purposes of nature, and seeing that the love of the sexes would promote their intercourse, it wisely and properly appointed the ceremony of marriage, and it confined it to no description of persons, but it extended it freely and fully to all. It was his sincere opinion, that the population which took place in the world without marriage was inconvenient to a country, and never answered the purposes of general increase. The reasons were obvious to every

every common observer; and, in a stile of the descriptive, which we are not able to imitate nor to report, he drew, and exhibited a couple in a state of connubial industry and felicity, and again the same couple in a state of illicit debauchery and misery. The comparison had all the beauties of truth and all the energies of eloquence.

In that generous season, says he, which this Marriage Act labours and intends to blast, a young man, a farmer, or an artisan, becomes enamoured of a female, possessing, like himself, all the honest and warm affections of the heart. They have youth, they have virtue, they have tenderness, they have love—but they have not fortune. Prudence, with her cold train of associates points out a variety of obstacles to their union, but passion surmounts them all, and the couple are wedded. What are the consequences! happy to themselves and favourable to their country. Their love is the sweetener of domestic life. Their prospect of a rising family becomes an incentive to industry. Their natural cares and their toils are softened by the extacy of affording protection and nourishment to their children. The husband feels the inticement in so powerful a degree, that he sees and knows the benefit of his application. Every hour that he works brings new accommodations to his young family. By labouring this day, he supplies one want, by labouring another, he imparts one conveniency or one comfort; and thus, from day to day, and week to week, he is roused into activity by the most endearing of all human motives. The wife again, instigated by the same desires, makes his house comfortable, and his hours of repose happy. She employs what he earns with œconomy, and while he is providing food and raiment for his children, she is busied in the maternal cultivation of their minds, or the laudable exertion of their young hands in useful labour. Thus while they secure to themselves the most sober and tranquil felicity, they become by their marriage, amiable, active, and virtuous members of society.

View the same people in another light. Bound together in heart by the most ardent desires, and incited by their passion to marry without having any great prospect before them, their parents intervene, they are not arrived at the age of twenty-one; under the authority of the Marriage Act, their parents prevent their marriage. They restrain them from committing, agreeable to this law, the crime of matrimony without their consent.

“*Sed metuere patres quod non potuisse vetari.*”

They may restrain them from marriage, but they have it not in their power to prevent their intercourse. The couple, restrained in their desire of marriage, with a transition as natural as it is easy, give way to their inclinations, and a connection ensues, in which there is more of indiscretion than of guilt. What are the consequences? Enjoyment satiates the man and ruins the woman; she becomes pregnant; he, prosecuted by the parish for the maintenance of the child, is initiated in a course of unsettled pursuits and of licentious gratifications. Having no incitement to industry, he loses the disposition, and he either flies the place of his residence, to avoid the expence of the child, or he remains the corrupter and disgrace of his neighbourhood. The unhappy female, after suffering all the contemptuous reproach of relations and all the exulting censure of female acquaintances, is turned out of doors, and doomed to struggle with all the ills and difficulties of a strange and a severe world. The miserable wanderer comes to London, and here, after waiting perhaps in vain to procure some hospitable service, in which she might be able to retrieve or conceal her misfortune, she is forced, much oftener by necessity than inclination, to join that unfortunate description of women, who seek a precarious subsistence in the gratification of loose desire. Good God! what are the miseries that she is not to undergo! what are the evils that do not result to society! but above all, what must be the consolation of that legislature, who, from pride and avarice are mean enough to inflict such misfortunes on their country!

The honourable gentleman said, that these observations went chiefly to that part of the act, which prohibited persons from marrying before the age of twenty-one, without the consent of parents or guardians. He had very determined objections to this clause; but it was not the part of which he principally objected. The nullity was the abominable part of the bill, to which he could never by any means be reconciled. In a variety of the most forcible arguments he shewed the fatal consequences that must result from this provision. The inconveniencies and the calamities that must be felt by families, in the loss of reputation and of fortune, he had pointed out on a former day. He had shewn, that, under the profligate cruelty of this law, the unhappy children of marriages not solemnised agreeable to all the restrictions of this law, might be disturbed in their succession, and bastardised by a decision of the courts of Westminster, years,
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or perhaps generations, after the time. In the law of inheritance, a prescriptive possession for sixty years quieted all other claims; but here there was no prescription, and consequently there would and could be no security. After a family had been in the unmolested possession of an estate for 500 years, (and at some time the act will have lasted so long) a flaw may be traced in the ceremony of an ancient marriage, and, though generations have intervened, the possessors may be driven from the estates. This was an evil of the most serious magnitude, against which the legislature could not too carefully provide. Even those great families of the aristocracy, who were induced from pride and avarice to make and support this act, might one day be brought to feel the danger of counteracting the dispensations of nature, by suffering the consequences.

The greatest argument that had ever been advanced in favour of this nullity was, that indifferent young men and women should not be doomed to suffer, to the end of their lives, the consequences of one hasty act of passion. Then, examining the law on this ground, what did it do? It provided relief for the consequences of one passion of the most amiable nature, the passion of love; but it removed the possibility of conquering the effects, or of atoning for the rashness of other passions, the base passions of pride, anger, and avarice. A young couple, not yet arrived at the age of twenty-one, induced by the strong, virtuous, and generous passion of love, marry without the consent of their parents. The parents, who have other ideas of happiness than those which are centered in love, are inflamed with mean and mercenary resentment, and in the violence of this bad passion, they procure the marriage to be declared null and void. The young couple, happy in themselves, overlook the disappointment of fortune, and amidst a beautiful progeny, doomed though they are to the shame and the penury of bastards, experience all the delights which a marriage of the heart is calculated to bestow. But what is the fate of the miserable misguided parents? Their relentment having given way to time, their passions of pride, avarice, and anger, having softened into parental tenderness and forgiving contrition; seeing their children happy, and surrounded by a numerous offspring, they relent, and are anxious to undo what they have done, but in vain; in one rash, violent fit of passion, they have made the marriage null and void, and bastardised the issue, and now no human power can make them
otherwise.

otherwise. They may repent, but they cannot atone for their guilt. They may die with the miserable reflection, that by their unfeeling conduct their children's children will be deprived of their just rights, but they cannot live to prevent it, or to make them amends. Such then has been the wise foresight and the generous guardianship of Parliament; they have provided a remedy for the indiscreet exercise of an amiable passion, but they have taken care to prevent the possibility of remedying or of attoning for the rash and unjust violence of a bad passion. The errors of the son are to be suffered for a day; the guilt of the parent is to endure for ever.

The honourable gentleman dwelt with great energy on several of the calamities to be suffered by this provision of rendering the marriage null and void, and said that there was no alleviation of the consequences to be procured, nor no remedy, as the act now stood. He particularly adverted again to the argument urged by Mr. Ambler, that property was a natural right, and ought to be considered in settling an union between the sexes. He abhorred the idea of making property a consideration in wedlock, and of assuming artificial distinctions in this respect as an obstacle and objection to union. He mentioned the recent case of a right honourable couple which had come before the Lord Chancellor, (he meant the case of Lord William Gordon and the honourable Miss Irvine); when that decision was made, he confessed he was at first tempted, notwithstanding the reverence which he had for his eminent abilities and integrity, to blame him for the doctrine which he held, but he was taught to consider the decision, which he made, as the result of the act. He was not the guardian of the lady; there was only vested in him, by means of this act, a sort of guardianship with respect to the property of the lady. The example served, however, to convince him of the extreme absurdity of such a mode of deciding on the propriety and impropriety of an union. That a person, whose habits and employment in life chiefly confined as they were to Chancery suits, should be appointed as the arbiter of matrimony, and that men and women should be brought before him, that it might be argued and debated whether 900l. a year was a proper match for 1500l. a year; and whether 500l. a year on the one side, and 700l. a year on the other, with some advantages on this side, and some disadvantages on that side, were fit matches for each other;

other; and these should or ought to be considerations for preventing the alliance of two rational beings, whose happiness was to consist in their attachment to each other in the mind, and not in their casual situation with respect to fortune, was to him the most absurd and the most ridiculous doctrine that could possibly be imagined. He fully believed that the Lord Chancellor had upon that occasion done his duty in following the dictates of the law in the case he had mentioned; but it was an argument which ought to convince the House that such a power ought not to be established, since in fact it went to make marriage a mere matter of calculation, which a grave, rigid lawyer, who having gained the bench of a court of law, may be supposed to have got the better of the passions and sensibilities of love, may decide with truth and accuracy. He wished to rescue matrimony from the disgrace of being a scheme of traffic, and to restore it to its just dignity, nature, and end, an alliance of love, of sentiment, and of sympathy.

He took notice of a circumstance which he had forgot to mention before; but though it was out of place, it would not be out of season, and that was, that when guardians stood up in opposition to the marriage of their wards with the men of their hearts, they generally did it from motives of personal interest, and they seldom failed of producing the purposes which they had in view; for, by preventing their marriage, they generally induced them to wed some friend or relation of their own, for the sake of their fortune, to the ruin, perhaps, of their peace and tranquillity for life. The honourable gentleman, after many other arguments of the most admirable nature, came to a conclusion, and said, that, being unwillingly made the person to whom the task was committed of introducing this bill into the House, he had framed it, as he had said, agreeable to his own desires, which were undoubtedly for the total repeal of every part of the Marriage act, except the register. But as he knew well the force and effects of prejudice on the human mind, that in time it became a part of our nature, and was too powerful either for the force of reason or of truth to overcome, he was willing to abate a great deal of what was proper, in order to secure what was practicable. He wished to hear the sentiments of gentlemen on the subject; to receive their assistance; to be instructed how it might be modified in such a manner as to conciliate itself to the severe prejudices

dices of the other House, that at least a part, if not the whole, of the evils might be overcome.

He was particularly anxious to take away the nullity. If that could be effected, which was the most material in its consequences, he should not be so strict and eager about the period of limitation. At the same time he declared, that if he failed, he should not despair; he would watch times and seasons, and he pledged himself that if ever he observed a moment favourable for the repeal of the act he would embrace it, in the persuasion that the Parliament of this country could not long remain so absurd or so ignorant as to give their support to such a law.

Ld. Nugent. Lord *Nugent* said, that he feared, from the lateness of the season, that there might be ground for the Lords to object to the bill. He said, he had stated similar fears with regard to the opposition of the minister, which he knew to have been very fatal on a former occasion to a similar bill. He could have wished it to come on at another season, but come on when it would, he could not so belie his principles as to be silent upon the subject. He saw three different classes for whom it was necessary legally to provide a remedy; those, whom the deficiency of the law had, which was now the case, unmarried; those who by accident were married without all the necessary formalities, and who consequently were liable to be unmarried; and those whom the guilt of their husbands had unmarried: these there ought to be an immediate remedy for; and if there were not, the present act would be deficient; for of all the injuries to which this act was liable to give rise, none in his opinion were so bad as this, that a young fellow when under age might marry an unsuspecting girl, and when he came of age abolish the union by the law, after he was tired of the possession. Shall a bill be provided without being general? Yet this has been the case of the Marriage Act; for it never thinks to preserve Jenny or Molly with her twenty guineas clinking against a silver thimble; its only attention is to Lady Jenny or Lady Mary. He could not see the advantage of a three weeks quarantine before the vessel could get into port, only because she was richly laden. He sincerely wished he could get Dr. Price to calculate the loss population was doomed to undergo by such a quarantine. He said that the House of Commons was not a place to talk in such a manner of a separation, for their aristocracy; if it were so, let them have a cast for themselves, that we may

see new Chalkstones hobbling into futurity with all their fathers honours thick upon them.

The House then divided on the motion for the second reading of the bill, when the minister was left in a minority. Ayes 90; noes 27.

The House then went into a committee on the Cocoa nut and Chocolate bill, and a short debate ensued.

Sir *Grey Cooper* stated, that false permits had of late been obtained by persons who dealt in teas, by which means large quantities were frequently smuggled, and passed upon the revenue officers as tea on which duty had been paid, to the great detriment of the East-India Company and the fair trader. In order to prevent this for the time to come, Sir Grey had inserted a clause, by which no dealer in tea could send to a customer any quantity exceeding 20lb. and this rule, he thought, would render all smuggling of tea very difficult, as the bags carried by the smugglers' horses were generally to the weight of 12lb.

Mr. *Alderman Bull* procured an alteration of this clause; Mr. *Ald.* and Sir Grey Cooper agreed, that dealers in tea should be allowed to send it in one or more quantities, not exceeding 40lb. each, under a permit, provided a permit was sent with each parcel.

Sir *Grey Cooper* stated another great abuse that had taken place, and for the remedying of which he had inserted a clause. It had been a practice with many of the distillers, in the absence of the officer of the customs, to mix a quantity of brandy with water, and when he came to make a survey, and take his duty, he was told to charge for the brandy, which the officer could not do, not knowing what quantity had been put in. In order to obviate this in future, it is enacted in the bill, that when this is found to be the case, the whole quantity of liquor shall be charged with duty, and the distillers made to pay the penalty.

Another thing by which the revenue lost every year an immense sum was, that very frequently when the officer came to take stock, he found the geneva or gin to be amazingly increased in quantity, upon which he was told that water had been mixed with it since he had been there last. Sir Grey said, he had no objection to any distiller lowering his gin, in order to suit his customers, but then he could not see any reasonable objection to his mixing the water with it in the presence of the officer. This was approved of, and the clause accordingly passed.

Sir Grey also mentioned another gross and common imposition practised with impunity against excise laws. Three people, he said, made it their business to take a house amongst them, and would have a still, wash, and grain, in three separate parts, so that the officer not finding them together, was not able to prove any thing against them to conviction, for the still being only for two gallons, was consequently within the act, and the people had generally an iron gate, and two or three doors to the house, so that before the officer could get in, they found means to place the still, grain, and wash in different places, by which means he could never find them distilling, which it was necessary for him to do before he could prosecute them for the penalty. Sir Grey said, it was unknown what the revenue suffered by this, for the moment the officer turned back the people went to their dirty work again; and though they distilled large quantities of spirits, and sold it to the great distillers, whenever the officers came they were all quiet; there was nothing to be found but Abel Drugger, Subtle, and Doll Common, to unriddle the alchymy. This Sir Grey thought an abuse that ought to be remedied, and therefore had introduced a clause in the bill for that purpose, though at present it would be necessary, he said, to prove that those people who used private stills, actually sold spirits to convict them of the penalty.—This, however, would not interfere with the use of private stills kept by housekeepers of large families, for the purpose of distilling simple waters, and other things. Sir Grey farther observed, that he did not mean that this clause should extend to Scotland, where many families could not live without making use of a small still, he thought, however, that the principle of the clause should be preserved, and the people of Scotland restrained from exporting any spirits produced by their stills. Clauses for those several purposes were accordingly passed.

Sir Grey next went upon the distilling of spirits for exportation, in which branch of the distiller's business great impositions, he said, had been used. All that was meant was, to prevent the distiller from using for home consumption any spirits he might have distilled for exportation, because for that a draw-back of the duty was allowed him. In order to this, the principal distiller and the officers of the excise and customs had agreed, that in a certain given quantity of wash, so much spirits should be allowed; and as in summer the fermentation was greater than in winter, the
distiller

distiller was allowed one gallon of spirits from six of corn in summer, and one gallon out of seven in winter.

Mr. *Dempster* hoped that this clause would not extend to Scotland, as the barley there was greatly inferior to what England produced, and consequently could not yield the same quantity of spirits from the same quantity of wash.

Sir *Grey Cooper* was not inclined to fall in with the opinion of the honourable gentleman, as the clause only went to regulate the distilling of spirits for exportation; and in Scotland, as far as he had been given to understand, no spirits were ever distilled for exportation.

Mr. *Dempster* said it did not follow from that, that it would never be done, and at any rate he did not see why the door should be shut in the teeth of Scotland, so as to preclude her from distilling for exportation whenever she should find it for her interest so to do.

Lord *North* was willing to shew every indulgence in his power to the people of Scotland; but as they never distilled for exportation, he did not see what occasion there was for restraining the clause from affecting Scotland, especially as the distillers in England, who really distilled for exportation, were very well satisfied with the regulation that had taken place.

Mr. *Dempster* was equally jocose and sarcastic on the minister and treasury bench, who ought, he thought, to remember their friends of Scotland in the bill before them, as they had always been ready to do the minister and his adherents any kindness in their power.

After some farther debate, Mr. *Dempster* moved, that it be a clause in the said bill to exempt Scotland from the regulation made, respecting the quantity of spirits to be drawn from wash used by distillers.

Mr. *Powys* expressed great anger, that in a bill, entitled, "A Bill for Cocoa and Chocolate," any clause should be inserted respecting the excise and customs, or the public revenue. With such fallacious titles, it was impossible, he said, that gentlemen should know how to guard against any thing that might affect the interest of their constituents. As for instance, when a bill was said to be upon cocoa and chocolate, who could suppose that any thing would be squeezed into it about barley and corn, and tea, and the whole branch of distillery? The honourable gentleman was sorry, that when the secretary of the Treasury brought

in a bill for preventing smuggling, he should be guilty of smuggling himself.

The question was then put, that the clause should be brought up, and the committee divided thereon, when there appeared for the question 5; against it 39.

The House was then resumed; and adjourned to the 18th.

June 18.

The House went into a committee of supply, when Lord North moved, that the sum of 3,200,000*l.* be granted to his Majesty for paying off navy bills. Ordered.—The noble Lord also moved, that the sum of 5,200*l.* be granted for the benefit of the sufferers by the late fires in the month of June, 1780, whose losses did not amount to more than 100*l.* each. These sums were too small for the parties to go to law about, and not less than 160 persons would be relieved by this grant. This vote was also agreed to, and this closed the supply for the year.

The House being resumed went into a committee of ways and means, when Lord North rose, and enumerated all the sums of the supply of the current year. He stated the articles separately, and the totals were,

	<i>£.</i>	<i>s. d.</i>
For the navy there had been voted	8,936,277	5 8
For the ordnance, including the land and sea service, and both the estimates	1,316,484	7 1
For the army, including ordinaries and extraordinary	— — —	7,815,540 11 2
For paying off Exchequer bills, charged on the aids of the present year	—	3,400,000 0 0
For paying off Exchequer bills, granted by a vote of credit	—	1,000,000, 0 0
For the civil establishments of the Plantations	— — —	19,000 0 0
For miscellaneous services, and deficiencies of former grants, amounting in the whole to	— — — —	1,288,790 16 0½
	£ 23,776,093 0 11½	

The total amount of the supplies for the current year was 23,776,093*l.* os. 11d½. Beside this there was the sum lent by the Bank for the renewal of their charter of 2,000,000, which was to go to the paying off navy bills; and by which means, with the sum included in the aids of the year, there would

would be the sum of 5,400,000*l.* of the navy debt paid off. But these two millions were not to be included in the estimates of the year to be provided for by Parliament, as they were not to be charged on the aids of 1784. The noble Lord then enumerated the several grants of ways and means, and stated that the sum already voted towards the supply was in the whole 21,423,651*l.* 2*s.* 5*d.* There yet remained several sums to be voted, and which he meant to move for on this day. The first article was the surplus sum of the sinking fund, beside what was already voted, which was 700,000 and odd pounds. He stated the average amount of that sum; and from that calculation he deduced that he might charge it with the farther sum, towards the supply of the year, of

1,742,912 2 2

Besides this there was the sum of balances in the hands of the accountants, by the reports of the commission of accounts, this was 450,000*l.* but of this sum a part would be required for the passing of their accounts. He would therefore take the sum of

400,000 0 0

There was also a sum of balances in the hands of accountants, audited and paid, but not paid into the Exchequer,

29,701 17 9½

The balance to be paid by the East India Company

402,000 0 0

A small sum arising from three articles, the sale of ceded lands, French prizes, &c.

14,000 0 0

This sum amounted in the whole to 2,588,613 19 11½

And which, added to the former grants of

21,423,651 2 5

Made the total of ways and means 24,012,265 2 4½

The supply amounted to 23,766,093 0 11½

And there was therefore a surplus of ways and means above the supply, of 246,172*l.* 1*s.* 5½*d.*

This surplus he thought would be necessary to be left in the hands of the Exchequer, to answer for any exigencies that might occur without being foreseen. He had stated several occasions that might arise for this sum. The noble Lord said that this concluded the supply and Ways and Means of the year. Having done this, he moved for the sums which

he

he had stated to be unvoted, and which were granted without any opposition or debate.

Read the second time the Bank Charter Bill. Adjourned.

June 19.

Ld. North. Lord *North* brought down a message from his Majesty, purporting, that the exigencies of affairs might probably require a larger support for carrying on the war during the summer recess than that already made, for providing which he trusted in the zeal of his faithful commons.

Ordered, That this House will resolve itself into a committee of the whole House to-morrow, to consider of the said message.

The bill for new modelling the Supreme Court of Judicature in Bengal, was then read a second time.

Mr. Dunning.

Mr. *Dunning* expressed the strongest disapprobation of the bill, as well from its contents as from the knowledge he had of the integrity of the Judges, whose conduct was censured by the bill, though they had not been heard in their defence, and consequently every principle of justice was violated with regard to them; as conviction and punishment which was inflicted by the censure conveyed in the bill, was made to precede a trial. He commented upon every clause, and said that there was not one to which he could give his assent, except that by which the governor and council of Bengal were to be indemnified for the opposition they had given to the execution of the judges decrees. It went to establish a despotic power in the governor-general and council subversive of all liberty, and totally inconsistent with the constitution, or with human freedom.

Sir Richard Sutton

Sir *Richard Sutton* spoke against the bill upon the same grounds, and insisted that as it was contrary to justice, to condemn even the guilty unheard; so it was still greater, when the innocent were condemned without a trial; and that the judges in India were innocent, was a fact which he would pledge himself to prove.

Mr. Burke.

Mr. *Burke*, in answer to these objections, observed, that as the honourable gentleman who spoke last admitted some parts of the bill to be necessary, it was a complete answer to his learned friend's opposition in this stage of the business; for in a committee every exceptionable part might be struck out. He therefore declined troubling the House with a full discussion of the several clauses on this occasion, but pledged himself to vindicate them all substantially in the committee.

General

General *Smith* said, that as chairman of the committee, he Gen. Smith should think himself pledged to shew the House that all the allegations of their report had been proved.

Mr. *Graves* felt the greatest indignation at seeing such a bill Mr. Graves patronized or defended by any one; it militated against every principle of justice and equality; and he could not but feel for the House, when he saw that the judges of the fairest character, whose integrity stood totally unimpeached, experienced a treatment that the worst of felons in this country could never be exposed to—that of being condemned unheard. The bill then was of so unjust a nature, he should hold himself unworthy of the name of legislator if he should give his assent to any part of it.

The Speaker then put the question, “that this bill be committed.” It was carried without a division.

General *Smith* then moved, that it be committed on Fri- Gen. Smith day next; and Mr. Dunning moved by way of amendment, that the words on this day three months, be inserted in the room of Friday next; the amendment however was rejected, and the original question carried without a division.

June 20

The House resolved itself into a committee of Ways and Means, and the following message from his Majesty was referred to them.

“GEORGE R.

“His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering that in this critical conjuncture, emergencies may arise which may be of the utmost importance, and be attended with the most dangerous consequences, if proper means should not be immediately applied to prevent or defeat them, is desirous that this House will enable him to defray any extraordinary expences, incurred or to be incurred on account of the military for the service of the year 1781, and to take all such measures as the exigency of affairs may require.

G. R.”

Lord *North* moved, that the committee would enable the Ld. North King, by a vote of credit of 1,000,000*l.* to take such measures as the exigency of affairs might require.

• Sir *Edward Ashley* expressed his surprise, how ministers, after Sir Edward having already obtained grants to the amount of 24,000,000*l.* Ashley could

could think of making a farther demand of 1,000,000*l.* and his wonder was the greater, as the session had lasted so long, that there could be but a short intermission between the next and the present session of Parliament; beside the nation was so impoverished, that even men of the greatest estates felt the consequences of the war; for he knew of an estate that had been bought for 1000*l.* and had been lately sold for no more than 400*l.*

Mr. Turner Mr. *Turner* was surprised that ministers could be so audacious as to call for another million after so many millions had been already voted. He had promised his constituents never to vote for any supply in consequence of the American war, and he would never break his promise; consequently, he would vote against the present motion. The vote of credit passed.

The bill for making the collectors of the land tax pay their collections by a given time, or forfeit their poundage, was next read.

Mr. St. John Mr. *St. Andrew St. John* argued against it; and by arithmetical calculations shewed, that if the bill should pass, the place of a collector of the land tax in some counties would not be worth 15*l.* a year; and, that consequently no man of character would undertake that office.

L. Nugent. Lord *Nugent*, on the contrary, maintained, that let the salary of the collectors be what it might, still the employment would be lucrative; for most of the collectors were bankers, and turned the public money to account while it remained in their hands; and such as were not bankers, got such a premium for placing their money in banks, that they derived emoluments from this kind of commerce much greater than their salaries.

Ld. North. Lord *North* admitted, that if the bill should pass, the place of a commissioner would be less beneficial than it is at present; and therefore, in order to balance the losses and gains between the collectors and the public, he would if he could, draw a line between the counties near London, those that were more remote, and those that were most remote. That, however, would require much time and industry, and as the year was now pretty far advanced, and the public consequently could not gain much for the present year if the bill should now pass, he had no objection that it should be passed over another session; and to this purpose he moved, that the next reading should be adjourned for three months; the motion was carried, and the bill of course fell for the present.

Mr. Fox brought up a petition from the American prisoners in Mill-prison, Plymouth; setting forth, that they were treated with less humanity than the French and Spaniards, though, by reason that they had no agent established in this country for their protection, they were entitled to expect even a larger share of indulgence than others; that they had not a sufficient allowance of bread, and were very scantily furnished with clothing. This petition being read, Mr. Fox moved, that it might be referred to a committee, and the commissioners of sick and hurt be called upon to account for their conduct.

Mr. B. Gascoyne, without opposing the motion, begged Mr. Gascoyne leave to observe, that there was a material difference between French prisoners taken in war, and Americans committed for high-treason under the authority of an act of parliament. This produced a witty altercation between the honourable gentleman and Mr. Burke, who pleasantly remarked, that though an act of parliament could establish the allowance of bread, it could not limit the size of a man's stomach; and it did not follow, that a prisoner of war, as such, would eat more than one committed by a Secretary of State's warrant. He begged the honourable gentleman, who did not himself seem to be fed by act of Parliament, would measure the stomachs of these poor men by his own, and then undoubtedly they would not fail of receiving an ample allowance.

Mr. Gascoigne in reply, said that the honourable gentleman had some envy at his big belly, and was apparently chagrined, that his own dimensions were no larger; he was sure that if the honourable gentleman fed in proportion to his abilities, he would be the biggest man in the House; but he was sorry to see him, on the contrary, so very meagre on the occasion.

The petition was then ordered to be taken into consideration on Tuesday next, and the commissioners of sick and hurt to attend on that day.

The order of the day being read for the House to resolve itself into a committee on the bill to explain and amend the Marriage-act; the Speaker, on motion, left the chair, and General Burgoyne took his seat at the table.

Mr. Fox moved a clause, by which persons were declared marriageable without the consent of parents and guardians, at the ages, the woman of sixteen, and the man of eighteen, and that all marriages solemnized at an earlier age of each

of the parties should be null and void. Mr. Fox said his own opinion was so strong against fixing the age so high, and in favour of fixing it much earlier, that he could not divide in support of his own motion, should the sense of the committee be taken upon it, but that he bowed to the prejudices of mankind, and merely from a hope that by paying so much respect to them he should secure the safety of his bill, he had consented to introduce the clause he had moved, and respecting the fate of which the committee would determine as they thought proper.

Lord Ma-
hon. Lord *Mahon* said he would move as an amendment, to alter the ages to eighteen the woman, and twenty-one the man.

Mr. Dun-
ning. Mr. *Dunning* said, he should vote against both the clause and the amendment, because he thought them both wrong, Mr. Dunning was for suffering young women to marry at fifteen, declaring, that they were as ripe for marriage then as at a more advanced age.

Mr. Fox. Mr. *Fox* shewed his learned friend that, according to his clause, it was those only who married without consent of guardians that were to be restrained till the man was eighteen and the girl sixteen. Under the Marriage-act, young folks marrying with consent of parents and guardians might marry as early as his learned friend wished. Mr. Fox said farther, that it was to rescue the young ladies from the influence and tyranny of guardians and parents that he chiefly wished to introduce this clause. If the committee would agree that young ladies might be marriageable at an earlier age, he had no objection to enacting that the young men should wait longer.

Lord Beau-
champ. Lord *Beauchamp* called the attention of the House to the scandalous manner in which licences were procured. He said the custom was, for either of the parties to go to Doctor's-commons. That the business was generally left to a proctor's clerk, who acted only ministerially, and must swear the parties, without any power to examine into the truth of what they swore. That thus a young woman would make an affidavit that the young man to whom she was going to be married, was of age, and he would do the same, *vice versa*. So that perjury was frequently committed, and then some time after the marriage, if either party repented, they had nothing to do but to prove that one of them was not of age when married, and the marriage was instantly annulled. Thus perjury was first committed, and a mockery was after-
wards

wards made of a most serious ceremony. His Lordship wished that marriage was put under some such regulation as matters of property. If an estate had been in the quiet possession of his family for sixty years, he was pretty sure it would descend to his heir, but if he had been married ever so long, how could he be assured but that a hundred years hence, it would be discovered, that his marriage was informal in some particular, as had lately been the case with regard to some thousands of marriages, to legalize which he had lately carried a bill up to the other House of Parliament? He hoped to see a clause introduced, or aiming that every marriage which had been solemnized for a limited time, should be declared legal on that account only, and should not remain as it now was, liable to impeachment, and to being nullified, whenever an error in point of formality was discovered.

Mr. Fox took advantage of what Lord Beauchamp had said, and declared, that among the various evils originating from the Marriage-act, that wicked encouragement to perjury stated by the noble Lord, was not the least. Mr. Fox.

Mr. Courtenay argued in favour of Lord Mahon's amendment. He said, the great view of the bill, he conceived to be, to encourage population; he shewed from reasoning, both physical and metaphysical, that it would have an opposite effect, if young women were allowed to marry so early as the age of sixteen. He quoted Rousseau in support of his argument, and contended, that if young women married so early in life, they bore children almost immediately, which impaired the mother's health, and weakened her constitution so much that she left off child bearing very soon, and thus the desired end, the encouragement of population, was defeated. Mr. Courtenay reprobated the Marriage-act, and said, he never heard of any laws having so pernicious an effect as that stated by the noble Lord, who had spoken last but one; for it appeared, that if the parties committed perjury, they could be married, which was what they wanted, and if they afterwards told the truth, the marriage was absolved. Mr. Courtenay.

Mr. Turner said he need not quote Rousseau; it was enough for him to quote his own grandmother, who had six children by the time she was twenty. Mr. Turner spoke in favour of free, unrestrained marriages, with that liberality and manly stile of argument which always distinguishes his parliamentary speeches. Mr. Turner.

Ld. Nugent.

Lord *Nugent* stated the case of a man who lived near his house, and who had three big bellies laid to him at one time, each of the females claiming a promise of marriage; at last, he said, he himself paid for the licence for one of them, and the thirty shillings carried the election, the man marrying the one for whom he had purchased the licence. He imputed this and the various fornications practised by footmen and maid servants, all to the clause in the Marriage-act, which ordained that banns should be proclaimed on three Sundays. His Lordship also talked about a child of twelve years of age being allowed to marry to civil, and said it was wrong. It was allowing little mis to throw aside her jointed doll, and giving her leave to dandle a doll on her own mamma. His Lordship stated, that young men were fit for marriage at fourteen years of age.

Mr. Sheridan.

Mr. *Sheridan* said, gentlemen were so inveterate in the Marriage-act, that in the heat of their zeal they seemed to argue as if that act was designed to prevent marriages when it was undoubtedly intended to encourage marriages of a regular and proper sort. It was its real aim and intention, said, his honourable friend, who brought in the bill, appeared not to be aware, that if he carried the clause, enabling girls to marry at sixteen, he would do an injury to that liberty of which he had always shown himself the friend, and promote domestic tyranny, which he could consider only as little less intolerable than public tyranny. If girls were allowed to marry at sixteen, they would, he conceived, be abridged of that happy freedom of intercourse which modern custom had introduced between the youth of both sexes, and which was, in his opinion, the best nursery of happy marriages. Guardians would, in that case, look on their wards with a jealous eye, from a fear that footmen, and those about them, might take advantage of their tender years and immature judgment, and persuade them into marriage as soon as they attained the age of sixteen. In like manner young men, when mere boys in a moment of passion, however ill-directed, or perhaps in a moment of intoxication, might be prevailed upon to make an imprudent match, and probably be united to a common prostitute. Mr. *Sheridan* said he was ready to admit, that the Marriage-act had some absurd clauses in it, but he could not agree, that the whole of that act was so impolitic or so productive either of mischief or of inconvenience, as to stand in need of a total repeal.

Mr.

Mr. Fox said, he had so often reprobated and refuted the style of reasoning upon which his honourable friend's argument was built, that had it come from a less respectable quarter he would have taken no notice of it. His honourable friend, he declared, had so much ingenuity of mind, that he could contrive to give an argument what turn he pleased; he considered not therefore, when what he said, was really in the point of domestic tyranny, he should ground it on a wish to preserve liberty. If the matter of his honourable friend's arguments had been upon public tyranny, it would have been still as good reasoning as that which had been so often noticed and so often refuted, viz. that it was best to secure an appearance only of freedom, the better to further the purposes of despotism. In like manner it had been said, on another occasion, that meetings and associations alarm government, therefore abstain from them; give up real liberty, merely to preserve the appearance of freedom."

Sir Edward Denny and Sir William Dolben, were for the age of eighteen years, and for obliging banns to be published. Sir William said, human nature was made up of two parts, reason and passion; the latter was most active, and therefore it was wise to give time for the former to operate, and not to encourage marriages determined on in a moment, and repented for years after they were completed.

Mr. Fox and Lord Mahon were up several times each. The latter said he would never agree, that any marriage should be rendered null by act of parliament after it was consummated.

At length the committee divided. Ayes, (for Mr. Fox's motion) 55; noes (for Lord Mahon's amendment) 7.

After farther debate the other clauses were gone through. The House rose at ten o'clock.

June 21.

As soon as the report of the resolution of the committee of supply (for granting his Majesty a vote of credit of a million) was brought up and read,

Mr. Fox rose and said, he should not discharge his duty to his constituents, if he suffered that vote to pass wholly unnoticed. The House had, in the course of the session voted upwards of twenty millions for the support of the war; a sum considerably larger than had ever been voted in any one preceding session, and for a purpose the most detestable, for the carrying on of a war of the most unjust, the most ruinous,

ruinous, and the most useless kind. Where was the object of it? Ministers themselves had acknowledged they had none. In regard to America, they had confessed they had not a hope of success. When they went down into the country, (if they were to be allowed any recess,) and faced their constituents, it would be naturally asked, for what they had voted so enormous a sum? The answer must be, the war is extensive, and of necessity we were obliged to provide large fleets and large armies. Their constituents would then say, "Well, so we suppose; but then, what have those fleets and armies done? Tell us something of the victories they have gained." What reply, (said Mr. Fox) can we make? Where are we to find cause for triumph? Our fleets have been notoriously inferior to those of the enemy in every part of the world. A large and valuable fleet from St. Eustatius has been captured under our very nose in the chops of the English Channel; and since that time, the Jamaica fleet, contrary to the practice of the last war, had been obliged to seek their safety in a tedious passage, north about." What was this, but a plain indication that we are not even masters of our Channel; and that we were as weak and defenceless at home as we have proved impotent and unsuccessful abroad. One victory indeed, one only victory, we had to boast; the paltry advantage gained over the French at St. Jago, and yet when the circumstances of that victory were considered, there remained but little cause for triumph. For what was the fact? With a great superiority in point of weight of metal, Commodore Johnstone, who in his speeches in that House was so ready to prescribe rules for fighting to others, had barely acted defensively, and had even forbore to seize that advantage which in his own letter he states to have had in his power, viz. to capture a ship which lay dismasted on the water, and from her situation must have been almost incapable of making a defence. This shewed the difference between theory and practice, and that speaking well and fighting well were distinct faculties.

Before he sat down, he said, he was aware that this was not a time to make an opposition to a vote of supply, because as the House had determined to prosecute the war, hopeless as it was, it was necessary that fleets and armies should be provided. He hoped to God, however, that gentlemen (those, he meant, with whom he had the honor to act) would attend early in the next session, in order to negative every attempt that ministers should dare make, to continue any longer

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ger a war which had drained this country of her resources, and which was not more oppressive than foolish, and impolitic, in its conduct, and likely to be disgraceful and ruinous in its consequences.

Lord *North* said, he would not take up much of the time of the House; indeed the honourable gentleman had himself made it unnecessary, by declaring, that this was not the fit moment for opposition, and that he meant not to oppose the notion. What he wished to take notice of was, the honourable gentleman's observation respecting the supposed inferiority of our fleets and armies, an assertion which he must beg leave to contradict. The contrary was notoriously the fact; in America and in the West Indies our fleets were superior to those of the enemy. Under Commodore Johnstone, the honourable gentleman had himself confessed, our fleet was superior to that of the enemy. Nor was it difficult to point out other instances of our success at sea. We had lately relieved Gibraltar, which was certainly no inconsiderable proof of our power, because Gibraltar, gentlemen well knew, was the great object of one branch at least of the House of Bourbon, and that no pains had been spared on their part to take it from us. The honourable gentleman thought Gibraltar had relieved itself. Undoubtedly the garrison behaved very gallantly, but then the House would recollect, that our fleet enabled them to sustain the siege. Our fleet carried out ammunition, provision, and stores to Gibraltar, without which the garrison could not only not have made that resistance and defence, which they had made, but they could not even have existed. With regard to the Jamaica fleet coming north-about, he had already, in that House, been called upon to account for the loss of the fleet from St. Eustatius; he would account now, therefore, for the Jamaica fleet's coming north about. The same frigates that were sent to give the St. Eustatius fleet notice of their danger, and unfortunately missed of them, were likewise commissioned to proceed till they met the Jamaica fleet, and to direct the convoy to go north-about. Unfortunately they met the Jamaica fleet, and effected the purpose for which they were dispatched. Had they missed of it, the Jamaica fleet would have been home much sooner, and with equal safety. Admiral Darby's force, now at sea, being much superior to any fleet France or Spain had in the British Channel, or near it. With respect to what the honourable gentleman

tleman had said in regard to Commodore Johnstone, and the affair at St. Jago, he could not hear an attack made on an officer of so much ability, so much zeal for the honour of Great Britain, and so much skill, in his absence, and when he could not defend himself, without doing him the justice to say a word or two in reply. Commodore Johnstone, on several occasions, had shewn a readiness to do all in his power to serve his country. Of his uncommon talents, the House had had many proofs. His character stood high in the minds of the public, as a man of great parts, and great integrity. He had carried his abilities into active service, and had added distinguished success to the catalogue of pretensions to distinguished fame. In the affair at St. Jago he had shewn his eagerness to gain advantages for his country. He had conducted himself with gallantry, and he had gained his point. The result of the engagement might strike the honourable gentleman in a different light; to him it appeared a matter greatly to the credit of the Commodore, greatly to the advantage of his country. The Commodore had repelled the enemy with considerable loss on their part, he had preserved the squadron under his command, and he had protected the East Indiamen under his convoy. The honourable gentleman had been pleased to arraign the war, and to reprobate it in terms of general censure. He would venture to say, that Great Britain never was engaged in a war so just, so necessary as the present. A combination, dangerous from the number of the combining parties, and powerful in each, was formed against this country. We were fighting therefore for our importance, for our situation, for our existence! Nor could he conceive how any gentleman could seriously contend, that the war was a wanton one on our parts, when it was notorious that we had been forced into it, and that we had unwillingly taken up arms to repel the most unprovoked insults, ingratitude, and rebellion. His Lordship declared, that those who preached up the doctrine of despair, shewed themselves regardless of the interests and enemies to the prosperity of their country. At present every nerve of the country must be exerted, since nothing but the most vigorous efforts could bring us out of the war. To talk the language of despondency, therefore, was neither wise nor advantageous. When the danger was great, the greater should be the determination to resist it, and there could be but little hopes for Great Britain, if, in the busy hour of action, she

gave

gave way to despair, and contented herself with brooding over the gloomy speculations of melancholy visionists.

Mr. Fox rose and said, if he knew what the language of Mr. Fox. despair was, the noble Lord had talked it, and that in the warmest and most expressive manner, by impudently daring, at a time when this country was spending millions upon millions in carrying on the war, to stand up in his place and boast of our having been able to act upon the defensive, and to make it a matter of triumph that we had not lost Gibraltar, and that Commodore Johnstone had not lost the Indiamen under his convoy. He used the word "impudently," because he knew no other word in our language which so properly expressed the sense he entertained of the noble Lord's argument. The noble Lord had talked of his attacking Commodore Johnstone in his absence. In doing so, he had done no more than exercise a right he had often heard the Commodore declare in that House to be the indisputable right of every member of the House of Commons, viz. to censure the conduct of those whom the House paid. And he had the less scruple in attacking Commodore Johnstone, because, of all men who ever sat within those walls, he knew not one so ready and so accustomed to attack the conduct of others. As long as Commodore Johnstone continued the friend of his country, so long he had considered him as his friend. The honourable gentleman, however, had lately thought proper to depart from those principles he had long acted up to, and to connect himself with men whom he should ever consider as the cause of the present disgraceful and ruinous situation of this country. The noble Lord had talked of the great abilities of Commodore Johnstone. Undoubtedly he had great abilities as a speaker in Parliament; but it was not in his capacity as a great speaker that he was adverting to his conduct—it was his conduct as an officer that he was reprehending; and, as an officer, he was ready to contend, that he had shewn no abilities; on the contrary, that he had foreborne to take those advantages and to seize those opportunities which the chance of the engagement afforded. He meant not to enter into a discussion of the question relative to the St. Jago affair on professional grounds. The noble Lord knew he was not sufficiently master of the subject. He only spoke the plain sentiments of a plain man, and he drew his arguments from the premises laid down by Commodore Johnstone himself in the letter published in the London Gazette. Thence it was that he learnt the Commodore had a greater weight of metal than

Monſieur Suffrein; thence it was that he was taught to know he let advantages eſcape him which he ought to have ſeized. The noble Lord had been loud in Governor Johnſtone's praiſe. Why? Becauſe the noble Lord had not forgot the barbed arrows of Governor Johnſtone's eloquence! The noble Lord remembered how often he had ſmartered under the ſlaſts of his oratory, and he dreaded again to encounter his attacks. To what reaſon but this was Governor Johnſtone's extraordinary promotion to be aſcribed? A promotion which, from his rank, and ſtanding in his profeſſion, he was no way entitled to, and which had diſgusted a number of gallant officers over whoſe heads he had been preferred, and who had been longer in the ſervice, and had diſtinguiſhed themſelves more eminently. Mr. Fox repeated his charge againſt the noble Lord, declaring, that if ever he heard the language of deſpondency, it was from the noble Lord in his ſpeech that day.

Ld. North. Lord North ſaid, he did not mean to have ſpoken twice, though, indeed, he might plead the honourable gentleman's example in juſtification for ſo doing. He roſe barely to take notice of a word or two, which the honourable gentleman had let drop relative to Commodore Johnſtone's promotion. Seniority, he was ready to admit, ought to be attended to; but would the honourable gentleman contend, that in all caſes it ought to be made the unerring rule of promotion in the navy? Would he take upon him to maintain, that it was not wiſe to look down the liſt of officers, when an expedition of importance was deſigned, and to ſee if there was not ſome one of them of more ability, and better qualified to take the command of it than either of the others? Commodore Johnſtone was univerſally acknowledged to be a man of great talents. It was true, that in that Houſe he had frequently differed in political ſentiments upon particular points from him; but it was no leſs true that he had always done it in an open, manly way, and at the time had ever ſhewn himſelf ready and willing to take an active part wherever his abilities could be exerciſed in the ſervice of his country. But the honourable gentleman ſaid Governor Johnſtone was a great ſpeaker, and his promotion had bought him off; he was now therefore the creature of adminiſtration. If this were true, the conduct of adminiſtration proved that parliamentary aſſiſtance was not, as had ſo often been aſſerted, their great and indeed their chief object. If it was, adminiſtration would have kept ſo good a ſpeaker as Governor Johnſtone at home. That, gentlemen would ſee, muſt have
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been most to their advantage, had they not considered it as a much more important thing for their country to have an expedition of great moment commanded by an officer of great ability. Commodore Johnstone had fully justified his high character hitherto, and he did not doubt he would complete the object of his expedition, as much to his own credit and to the advantage of his country as he had began it. With regard to other officers being disgusted at Commodore Johnstone's being promoted to the command of a Squadron, he begged leave to say, that it was by no means an unusual thing to put an officer of no longer standing into such a situation as that Commodore Johnstone now filled; at the same time, however, he did not doubt but there might be many officers who wished to hold it.

Mr. Byng contended that his honourable friend was in Mr. Byng. the right, and insisted upon it that Commodore Johnstone's promotion was unjustifiable. Mr. Byng said, the Commodore had not even commanded a single ship before; in the last war, he was sure, he had not; and in peace the House knew it was not likely that he should. To place him, therefore, in so distinguished a situation, could only be accounted for in the way in which his honourable friend had accounted for it. With regard to what the noble Lord had said of our having relieved Gibraltar, the reason was evident: France was indifferent about it, and plainly shewed by her conduct that she did not wish Spain to regain it, because, if she did, she was aware that the Court of Madrid, having gained its object, would be drawn out of the confederacy. If France had been in earnest about Gibraltar, and had sent out her fleet to join that at Cadiz, and, both combined, had opposed us in the Bay, what would have become of our fleet? It must have been destroyed. Mr. Byng charged ministers with directing the war chiefly against America, and taking little or no notice of France, the natural, inveterate enemy of Great Britain. He reprobated this conduct, and said, it tended to ruin us at the same time that it injured America, whose interests we ought to consider the same as the interests of this country. He added, that he perfectly coincided in opinion with his honourable friend in regard to the present moment's being an improper one for opposing a vote of supply. The household troops, he said, were all at home, and the friends of their country, wearied out with the fatigue of the session, a great number of them had gone out of town. He wished to God his honourable friend's advice might be attended to, and that men's minds would next session be prompt

to the idea, of an early opposition to the pernicious pursuit of a most wicked and fruitless war.

Mr. Hussy Mr. *Hussy* said a few words about the vote for a million, and on the general topic of the supplies of the year.

Mr. Dempster. Mr. *Dempster* defended Commodore Johnstone in a very handsome manner. He said, he must differ intirely from his honourable friend who opened the debate. So far from thinking the Gazette, that contained Commodore Johnstone's letter, a record of his disgrace, he considered it as a trophy of his triumph. Every person with whom he had conversed on the subject, thought the Commodore had acted in an able, a spirited, and an officer-like manner. That he had gained honour for himself and advantage for his country. The honourable gentleman had talked of Commodore Johnstone's speech on the subject of a sea engagement the last year. Those who were most competent to speak with judgement on the matter, all agreed that Commodore Johnstone acted up to his own plan in the late affair at St. Jago; and that he was in a fair way to give a strong example in proof of the verity of his own precept, had all his ships been perfectly obedient. When he said this, he did not mean to impute blame to any officer concerned. Perhaps, from being disabled or from other causes, all the ships with Commodore Johnstone, could not obey his signals and act agreeable to his wishes. Certain it was, however, that they did not; and to that, and that alone, he imputed the circumstance of the Commodore not being able to render the event of the day still more glorious than it was. Mr. Dempster said, he thought it necessary to say thus much in defence of an absent friend. Commodore Johnstone and he had lived in the habits of cordiality, regard, and esteem, for a great number of years; nor had their friendship been once interrupted. With respect to the insinuation, that the Commodore had gone over to Administration, that neither had nor should have any effect on his mind. He never framed his friendships on such sandy ground as a party consideration. He knew his own motive for acting as he did in that House, and other gentlemen knew their motives; but if no man was to entertain a friendship for another, but from political connection, gentlemen changed so frequently from one side of the House to the other, and shifted their political opinions so often, that it would be a difficult matter to keep a friend at any rate. He looked at men's qualities in another manner, and when he found them men of strict integrity, real worth, and unful-
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lied honour, he was proud to call them his friends, let their political sentiments concur with his own, or differ from them intirely.

Mr. *Courtenaye* began a short speech with remarking, that whatever came from an honourable gentleman who spoke lately [Mr. Hufsey] always had some weight in it, and if the honourable gentleman did not much entertain the House with metaphorical figures, he seldom failed to state to them figures of another kind, which were infinitely more demonstrative and convincing. He said, he meant to have spoken a few words in order to rescue that able and gallant officer, Commodore Johnstone, from the odium in which his conduct had been placed by the honourable gentleman who spoke first in the debate, but the business had been taken out of his hands by the honourable gentleman who spoke last; a circumstance which gave him no small satisfaction, since the honourable gentleman had not only done justice to his friend, but done it in a more handsome manner than he should possibly have been able to acquit himself. Mr. Courtenaye took notice of Mr. Byng's question relative to the fate of our fleet, when before Gibraltar, if the French and Spanish fleets combined. He said, the monosyllable *if* was a very important one; at least the gentlemen on the other side of the House seemed so to consider it; for he observed, they never failed to rest on it, as their best argument, whenever news arrived that did honour to the officers and to the arms of this country. *If* the fleets had joined? In that case, remarked Mr. Courtenay, our fleet might have been destroyed, which would have been a very unfortunate circumstance for this country; but he thanked God, the case never happened. In a like manner he remembered it had been said, on a former occasion; *if* the French army had gone to America, and joined the American army, what would have become of the British troops? That *if*, like the other *if*, still was but an *if*. Mr. Courtenaye said he had heard such arguments again and again in the course of the session, and in proportion as they became more obviously weak and ridiculous, they were insisted on with the greater energy and passion. He concluded with observing, that Mr. Dempster had rendered his taking up the time of the House any longer wholly unnecessary.

Mr. *Eyre* also defended Commodore Johnstone's conduct in the affair at St. Jago, and declared, that such was the strong current which run in the bay or harbour of Port Praya, that he was well assured, it was impossible to have boarded the

the Hannibal, even had she continued in the harbour; but that when she lost her masts, such was her situation, that the Commodore would have run the greatest hazard of driving out to sea and separating from his squadron, had he even attempted it.

The question was put, and the report agreed to.

The order of the day was read for going into a committee on the East-India bill; the Speaker, upon motion, left the chair, and Mr. Ord took his seat at the table.

Mr. Hufsey Mr. *Hufsey* then urged the noble Lord in the blue ribbon to postpone pushing the bill farther, till he had seen whether the propositions in agitation at the India House were such as could be agreed to. Mr. Hufsey said he had laboured hard to set the bargain settled in an amicable manner, both with a view to serve the Company and to serve the public. Twenty five thousand pounds he stated to be the only difference between the noble Lord and the proprietors, and since it was universally agreed that the Company deserved every mark of attention from government, surely twenty-five thousand pounds was no consideration.

Mr. Boughton Rous. Mr. *Boughton Rous* spoke next, and after a short conversation, Mr. Rous and Mr. Erskine were called up to the bar to be heard on behalf of the Company. The two gentlemen called the accountant-general of the Company, and other witnesses, to prove the expences the Company had been at in carrying on the war to conquer the Dewanee and those districts, whence they deduced their territorial revenue; and to prove likewise, what the net profits of that revenue amounted to.

When Mr. Erskine had finished his speech, the chairman proceeded to read the bill, clause by clause.

Mr. Hufsey Mr. *Hufsey* moved as an amendment, to insert words purporting that the balance due to the Company, on account of their expenditure in acquiring territories, amounted to three millions six hundred and sixteen thousand two hundred and fifteen pounds.

This clause was strenuously opposed by Mr. Robinson and Lord North, on the grounds that it was irrelative to the bill, and ought to be fully made out before it was admitted into any bill. After some debate the committee divided upon the amendment. Ayes 24; noes 71.

The strangers were after this division excluded, and the committee went through the rest of the bill.

The

June 22.

The House then resolved itself into a committee, on the bill for limiting and explaining the jurisdiction of the Supreme Court in Bengal.

On the clause which exempts persons acting under the authority of the Governor-general and Council from the process of the Court, except when life or liberty are concerned,

Sir *Richard Sutton* moved for the insertion of the words, *Sir Richard Sutton.* or of property; which he said were necessary, as the power of the governor and council would otherwise be completely despotic. It was argued on the other hand, that if life, liberty, and property, were excepted out of the power given to the council, the bill was nonsensical, as it would give no power at all. Mr. Burke said, that the East-Indies ought to be considered as barrier towns, where military or arbitrary powers must prevail; that the idea of establishing civil liberty in India was absurd; the religion, laws, and prejudices of the country were against it: if, therefore, it was necessary to establish arbitrary power there, it was better to lodge it in the hands of the governor and council, who were responsible for all their actions, than in the hands of the Supreme Court of Judicature; because judges were responsible only when it appeared that they had acted corruptly and wilfully wrong. Sir Richard Sutton laughed at the idea of treating a people twice as numerous as the inhabitants of Great Britain, as the inhabitants of a barrier town. The committee at last divided upon the amendment proposed by Sir Richard Sutton, which was rejected by a majority of 70. Ayes 6; noes 70.

The committee then went through the bill, clause by clause; after which the House adjourned to the 25th.

June 25.

The insolvent bill was then sent to a committee. The *Attorney General* said, that it had been his intention originally to confine the operation of the bill to those who had been arrested on or before the 7th of June, 1780; but it had been represented to him from different quarters, that confining it within such narrow bounds, would procure a general evil, while it was calculated only to prevent a local one; for though a great number of persons might have endeavoured to avail themselves of the act that followed the demolition of the Fleet and the King's-bench prisons, there were still great numbers

The Attorney Gen.

numbers confined before and since the 7th of June in various parts of the kingdom, who had not been surrendered with an intention to make them objects of an act of insolvency; but who in fact were really in distressed circumstances, and truly entitled to the benefit of an insolvent act. Giving way therefore to these reasons, he moved, that the bill should operate up to the first of May, 1781; that all those who had been in custody on or before the 7th of June, 1780, should be admitted to the benefit of it; and also such persons as had surrendered themselves after that period. He however moved afterwards, by way of exception to this, that such debtors as had surrendered to the Marshal of the King's-bench, or Warden of the Fleet prison, in consequence of the act that passed in November last, entitled, "An act to explain and amend an act for indemnifying sheriffs, jailors, &c." should not be admitted to the benefit of the bill then before the committee.—The better to understand this, it must be remembered that immediately after the burning of the prisons, an act passed to preserve from arrests such persons as should voluntarily surrender themselves to the Marshal of the King's-bench or Warden of the Fleet, on or before the first day of September last: all those who surrendered in consequence of that act, are to be deemed fit objects of parliamentary relief. Soon after the meeting of the present session of Parliament began, the Attorney-general, finding that the prisons were not fit for the reception of prisoners, brought in another bill in November, to set at liberty such persons as were prisoners to the sheriffs of London and sheriffs of Middlesex, until such time as the prisons should be ready for their reception: the persons who surrendered in consequence of this second bill, which was confined to London and Middlesex, are, by the Attorney-general's motion, excluded from any benefit under the present bill. The chairman then went through the different clauses; and the House was resumed.

June 26.

Sir William
James.

Sir *William James* presented a petition to the House from the East-India Company, praying for a renewal of their charter, upon certain terms specified in the petition. Lord North said, that in his opinion, the terms were such as might well serve for the basis of an agreement between the public and the Company. It was then moved, that the petition should on the next day be referred to a committee of the whole House, and the motion passed unanimously, the House

being

being pleased that the Minister and the Company had at last come to a right understanding.

The report was then made from the Committee on the Cocoa-nut bill; when it appeared, though the title of the bill went only to take off the duty on chocolate, and put it upon the cocoa-nut on importation, there had been inserted clauses for introducing new regulations in almost every article of excise, brewery, distillery, tea, permits, &c. The insertion of such clauses in a bill with a title from which no such clauses could have been expected, gave great alarm to many gentlemen.

Mr. Fox rose, and said that the insertion was surreptitious, Mr. Fox. and that it was highly improper to bring bills of such a nature into the House so late in the session. Mr. Burke said the bill in its present form would break in upon the domestic plans of many gentlemen, who, from their principles of economy, kept small stills in their families to distil liquors; and he confessed that he himself was one who should find himself considerably affected by it. Sir Grey Cooper said, that the bill had not been brought in without sufficient notice of it having been given to the House; and that gentlemen had had time enough to consider of it, as it was before them since the 15th of May; with respect to the clauses that alarmed gentlemen so much, he would not press them all upon the House, if they should not be agreeable; but it was absolutely necessary for the benefit of the revenue that some such clauses should be inserted; for, through the want of such clauses, the revenue absolutely lost every year upwards of 80,000l.

Lord North defended the bill upon the same principle; and Ld. North. added, that it was by no means a novelty to introduce excise and other regulations in bills, from the mere title of which no such clauses could have been expected: it was proper, indeed, to give as much of the substance of the bill in the title as it was possible; but still, as it was impossible to frame every bill in such a manner as to include in the title the substance of every clause, so of course there must be many bills containing clauses, no trace of which could be found in the title of the bill; and consequently, the objection stated to the present clauses was not supportable upon the ground on which gentlemen had stated it to the House.

Mr. T. Townshend spoke against the clauses, and found Mr. T. Townshend such fault with them, that he moved, that the farther consideration of the report should be put off for three months.

The Attorney-general and Solicitor-general supported the bill; and Sir George Yonge and Mr. Davenport condemned it.

Sir Grey
Cooper.

Sir *Grey Cooper* appealed to the Speaker to acquit him of the charge of having brought in the bill surreptitiously; and the Speaker very readily acquitted him upon that ground; he went however so far as to say, that he thought that bills containing regulations of such importance as those were in the clauses complained of, ought not to be brought in at the end of a session, when the House was generally but badly attended.

The House divided at last upon the motion of a 'journing the consideration of the report for three months, and it was overcome by a majority of five. Ayes 45; noes 50.

The clerk then read the different clauses, and the House agreed to them without any farther opposition.

June 27.

Sir Wm.
Dolben.

The order of the day for the third reading of the Marriage-bill being read, Sir *William Dolben* said, that though he was an enemy to the Marriage act, and considered the restrictions laid upon the sexes as exceedingly unadvised and detrimental, yet he was afraid that the House was now going too far. If the Marriage act was too severe, the present bill was too loose, and gave more liberty than persons of the green age stated in the clauses ought to be indulged with.—The consequence would be precipitancy of marriage, and all the train of licentious evil arising therefrom. He expressed a wish that some greater restriction was imposed on clergymen, to deter them from marrying young couples without due regard to the forms prescribed by law.

Lord North.

Lord *North* said he was not at all surprised when the abuses which gave rise to a law no longer existed, in consequence of that law, that gentlemen should raise objections against the law itself. The Marriage-act had produced the most beneficial consequences to the kingdom, by putting an end to that monstrous abuse of marriage which prevailed at the time when the Marriage-act passed; but some of the evils which the Marriage-act put an end to would revive again. Having made this exordium, his Lordship went into a discussion of the different clauses of the bill, and objected to them severally. In respect to that which limited the age of the sexes, the women to sixteen, and the men to eighteen, he saw no reason whatever for it; and thought, if the Marriage-act was to be affected with regard to the particular clause of age, it

would be better to repeal the clause altogether than to cut off three years of the time limited by the law as it now stood. He observed that twenty-one was the age at which the law declared men to be capable of taking the direction of their own estates, and he saw no reason why they should be supposed capable of determining with propriety upon their marriage earlier. It had been objected to the Marriage act, that it was liable to evasion, because Scotland was not bound by it, and people had an opportunity of exercising free marriage by taking a jaunt to the North. In respect to that, his Lordship said, the act was defective in a particular, which he considered as the least important and the least necessary of all its various objects. The idea of marrying house to house, and estate to estate, merely for the purpose of accumulating riches, he was as much averse to as any gentleman present. He knew perfectly well, that happiness was not dependent upon wealth alone, and therefore he did not wish to have the ceremony of marriage at all governed by sordid considerations. Besides this, marriages solemnized in Scotland, could not be said to be marriages of a sudden, or concerning which, the parties had not sufficient time to consider the consequences. He therefore had not the least objection to the case remaining as it did with regard to Scotland, but he could not by any means think that the Marriage act ought to be repealed in that degree, which the present bill, if passed into a law, would repeal it. His Lordship added a variety of other reasons against the bill, and said he could not give his consent Mr. Fox. to any measure, against which his judgement went so completely as in the present instance.

Mr. Fox said, the objections he had stated that day were so perfectly new, that he could not be silent, but must say a word or two in answer to what had been thrown out, both by the honourable Baronet behind him, and the noble Lord in the blue ribbon. And first, he could not but observe, that it was a little extraordinary that the honourable gentlemen should have reserved their objections till the present moment. Various opportunities had offered for opposing the bill; but in all the debates that had occurred upon the subject, neither the noble Lord, nor the honourable gentleman, had thought proper to use one of those arguments which the House had just heard. The honourable Baronet had been pleased to attack his bill, by saying, that the clause which allowed of early marriages would encourage licentiousness. This he could not but consider as a very singular objection; early marriages might be liable to objection on the score of impropriety

or imprudence, or indeed on any other score than that which the honourable gentleman had thought proper to mention; for undoubtedly, if he had looked the dictionary through, he could not have picked out a word that so little applied to a clause encouraging early marriage, as the word licentious. With regard to what the noble Lord had said on the ground of the clause, which limited the age of persons capable of marriage to sixteen and eighteen, he was ready to agree, that it would have been better to have made no limitation whatever, but to have repealed the clause in the Marriage-act altogether. That had ever been his opinion, but in deference to the judgement of other persons, he had consented to the limitation as it now stood. The noble Lord had talked of the good effects of the Marriage-act; he would not say but there might have been occasion for some regulation respecting those marriage shops which were so common in every part of London when that act passed, but then considering the act altogether, he was confident there never was an act more offensive to general liberty, more inimical to population, nor more odiously aristocratical. It had been made an argument, that the Marriage-act had been effectual, and this argument had even been insisted on in the present session, when a bill was pending in the other House to remedy an evil arising under the Marriage act, and which that act, it was notorious, had been found incapable of preventing. It was evident from that instance that the Marriage-act was ineffectual, and what was the purpose of the bill at that time in the other House? It was merely this; the Marriage-act having been proved incapable of its intended operation to prevent doubtful marriages, that bill wisely took away its other and more odious power, the power of punishment where doubtful marriages had taken place. The Marriage-act, therefore, was no longer to be boasted of as an adequate preventive. It had been found to be ineffectual in its best and most just object, and what he wanted by his bill was, to take away its worst object, that of inflicting merciless punishment. Mr. Fox said, as the act now stood, the law respecting marriage in Great Britain contradicted the religion of the country. The Marriage-act was totally inconsonant with the genius of the people, and it was opposite to every principle of our constitution. He wished therefore to make the law of marriage conformable to our religion, and to remove those fetters, which an arbitrary, unnatural, and aristocratical statute had imposed on the minds of the youth of both sexes. The noble Lord had said, that marriage

riage was still free in Scotland, and that marriages there solemnized could not be said to be precipitate marriages, or marriages not sufficiently considered; surely the noble Lord forgot, that when they talked of Scotland, they must consider it as it stood relatively with regard to the geography of all England. Though it must necessarily take some time to go from London or Middlesex to Scotland, certainly the case was otherwise with regard to the counties of Cumberland and Northumberland, and the persons resident therein. After arguing this for some time, he said the Marriage-act was not merely odious in his eyes, but odious in the eyes of the bulk of the people without doors. It ever had been so, and it was impossible it should be otherwise; on the present occasion, he flattered himself, he should divide with a majority against the noble Lord's opinion, and that for this reason; the House rarely failed to speak the sense of the people at large, whenever a question came before them upon which they could vote freely, and where none of those considerations mixed in the business, which were supposed to influence men's minds on points where politics interfered.

Sir *William Dolben* rose to explain; Sir William observed, Sir William that the honourable gentleman, the patron of the bill, had said, Dolben. if he had looked the dictionary through he could not have found a word so little applicable to the clause authorizing early marriages, as the word licentiousness. It happened a little unfortunately for the honourable gentleman who made this remark, that he never had applied the word licentiousness to the clause in question. What he had said was merely to suggest, that if the clause passed as it stood, precipitancy of marriage would be the inevitable consequence; and in many cases, that would be the source of much serious inconvenience. He was still of the same opinion.

Lord *Mahon* said, he meant on the third reading to move Ld. Ma- two or three amendments, that would alter the clauses to hon. which gentlemen seemed most to object; and he gave notice of his intention then, in order that those who approved of the principle of the bill, but nevertheless disliked particular clauses, might still vote for the third reading.

The House divided. Ayes (for the third reading) 75; noes 43.

Lord *Mahon* then moved, that the ages stated as the proper period for marriage be altered from sixteen and eighteen, to eighteen the woman, and twenty-one the man.

Lord Beau-
champ.

Lord *Beauchamp* argued strenuously and ably against this amendment. His Lordship said, the House, he conceived, had acted a most laudable part, in endeavouring to emancipate the people from the operation of an act, which was not only extremely oppressive in many particulars, but also extremely absurd in some others. Nothing he thought could be more absurd, than making twenty-one years of age the period, at which both the sexes should have a right to marry according to their own will and inclination. Common sense shewed that there ought to be a difference between the ages of the man and of the woman, and he appealed to the usage of the world whether, if a good match offered, a father would refuse to accept it because of his daughter's nonage? He said, from the age of sixteen to the age of eighteen were the two best years of a woman's life; for that therefore, and for various other reasons, he hoped the House would not adopt the noble Lord's amendment.

The amendment was negatived.

Ld. Mahon.

Lord *Mahon* proposed a second, which was, that to the clause enacting, that if a marriage should continue unquestioned for five years, it should be legal, there should be added or during the life of the parties. This was adopted—He then offered a third, viz. changing the term of five years, stated in the act, as the time of cohabitation after marriage, which should bar enquiry into the forms of that marriage, to twenty years cohabitation; and he justified this amendment by stating, as a possible case, that a man might be married at an ale-house when he was drunk, and know nothing of it the next day. In which case, such a man's marrying again would be an act of felony, and all the children by the second marriage would be bastards. His Lordship recommended this motion to the attention of the young members; because, he said they were most likely to fall into the predicament he had described; and to the old members, because he trusted their wisdom and experience would teach them, that the case he had stated was likely to happen, and ought to be guarded against.

Mr. Fox.

Mr. *Fox* said he should oppose the noble Lord's amendment, though he owned he saw that what the noble Lord had said, was within the scope of probability. But upon a case barely possible, and not very likely to happen, he could not think it became Parliament to adopt such an amendment; nor could he conceive that if any man was so drunk or so stupid as to marry a woman, and neither know any thing of that marriage before it was solemnized, at the time of solemniza-
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tion, nor afterwards, five years was full time enough for him to recollect himself, and he was not a fit object of such a law as the present bill would be, should it pass into a statute.

The amendment was negatived.

The *Lord Advocate* next brought up the report of the secret committee appointed “to enquire into the causes of the war that now subsists in the Carnatic; and of the present condition of the British possessions in those parts, and to report the same, with their observations thereupon.” Lord Advocate.

He likewise brought up the appendix, which was extremely voluminous, and was contained in an immense pile of manuscripts. His Lordship, as soon as he had presented both, moved that they should be printed. He said, he did not intend to go at large into them just then, nor take up much of the time of the House by speaking to the subject. He felt it necessary, however, that he should occupy a few moments in just stating, as shortly as possible, the manner in which their committee had conducted their enquiry, and the rules by which they had governed their proceedings. By the size of the report and of the appendix, which he had just presented, the House, he trusted, would see, that however deficient their committee might have been in other respects, they certainly had not been sparing in regard to labour and attention. When the committee first met, his Lordship stated, that they had found extreme difficulty as to the mode of procedure, the business of the inquiry being perfectly new to them. The method they adopted was this: they issued orders to the servants of the Company at the India House for copies of all the recent dispatches from India, and they issued similar orders to the secretaries of state, and the secretary at war. On the perusal of those dispatches they found a variety of charges pointed against particular persons, and accusing them as the causes of the Carnatic war, which had arisen in consequence of their neglect and ill conduct. In the last dispatch from Bengal, it appeared that the governor and council had detached Sir Eyre Coote to Madras with a number of troops, as soon as the news arrived of Hyder Ally's invasion of the Carnatic, and that they had afterwards sent a large sum of money to the Madras Presidency, but under this singular regulation: that the money was to be at the command of the general of the forces, but that the civil government of the presidency of Madras was not to touch any part of it, nor to have any sort of power over it. The dispatch likewise contained Sir Eyre Coote's letter to the Bengal Presidency on his arrival at Madras, in which Sir Eyre declared, that he found every

every thing in a state of the utmost negligence and want of preparation. That although Hyder Ally had been so long in the Carnatic, the gun-carriages were merely getting ready, and that the whole appearance of things spoke a general system of inattention, carelessness, and misconduct. It was necessary, the Lord Advocate said, for him here to mention, that the Present governor of Madras was Mr. Wintle. As soon as the committee saw these dispatches, they formed their ideas of a plan to be pursued in the conduct of their inquiry, upon the information these dispatches afforded, and they divided the plan into three distinct heads of inquiry : an inquiry into the state of military affairs in the Carnatic, both at present and previous to Hyder Ally's irruption ; an inquiry into the political state of affairs there, both now and heretofore ; and an inquiry into the state of the finance of the Madras Presidency. Upon the first head, viz. that of the military, the committee had already concluded their report, and the appendix to that report, both of which he had just presented, and were then upon the table. The second report, that upon the political state of the Carnatic, was not quite ready, but in a day or two, he trusted, it would be fit to be placed upon the table of the House. It might, he said, be supposed that as so many strong and heavy charges appeared in the dispatches against particular persons, accused of having by their misconduct caused the late disasters in the Carnatic, the committee had examined some of the persons referred to in the dispatches. The fact however was, they had not examined one. At the same time he begged the House not to imagine, that they had come to a resolution of forbearing to examine any of those persons, without having at various and limited times deliberated on the subject, and considered whether it would be right to examine them or not. The reasons which had induced the committee ultimately to resolve not to examine any of the persons mentioned in the dispatches, were these : Some of those against whom the charges were pointed, were in India, and others here ; and both were so connected, that it appeared to the committee, that it would be extremely unfair to enter into a partial examination, and call upon one description, when it was wholly out of their power to question the other. Again, armed as the committee were, with various and extensive powers, they thought they could not get at any evidence of guilt, sufficiently strong to state to the House as a ground of parliamentary proceeding, and that it would, moreover, be an act of indelicacy, and want of respect, were they to commence an examination, which the
House

House might choose to undertake themselves, and which they certainly could carry on with greater weight, greater solemnity, and greater effect. All the charges that pointed at particular individuals therefore they had inserted in their report under the head of the political state of the Carnatic. The committee accused no person, neither did they impute blame to any one; they thought it their duty to report such accusations as fell in their way, and it would lie with the House to inquire and determine, whether those accusations were well or ill founded. His Lordship concluded with moving, that the second report be likewise printed, and said he hoped gentlemen would not merely take the reports, when printed, out of the office as ordinary papers, and consider them as papers of no consequence, but would read them attentively during the recess, and regard them as grounds of future parliamentary proceeding, and as matters relative to the most serious, the most important, and the most interesting subject that could possibly challenge the attention of a British House of Commons.

Sir *Thomas Rumbold* rose, and said, he would not then take up the time of the House; he should reserve himself for the day when the reports would be rendered the subject of discussion. He rose only to say, that he had been much astonished, when he heard the committee were directing their inquiry to the political state of the Carnatic, where his conduct must necessarily have come under their consideration, that he had never been sent to or examined upon the subject. He was convinced, by what the learned Lord had said, that the committee had acted wisely in not having proceeded to examine him; it was a much better way of taking up the matter, that they had suggested, and therefore he should wait till the House took the subject into their consideration.

The report of the committee on the above bill being read, Mr. *Dempster* rose, and said, that having been chosen on an election committee, at the same time that he was chosen on the committee to whom the petition from the inhabitants of Bengal was referred, it was impossible for him to attend the latter. Other avocations also had prevented his being present, when the bill, brought in consequence of the report of that committee, happened to be under consideration; he had never before therefore had an opportunity of speaking his mind on the subject. Mr. *Dempster* then went into an examination of the bill, and with infinite liberality discussed the various clauses of it. In particular, he objected

to that which gave the governor general and council of Bengal, a supreme, arbitrary, and uncontrollable power over the lives, property, and reputations of the natives of Hindostan. He argued the oppression, injustice, and dreadful consequences that might ensue, if a clause so inimical to freedom, and so opposite to every principle of equity, was suffered to remain without some modification or other.

Sir Richard
Sutton.

Sir *Richard Sutton* took the same ground, and contended strenuously against the clause.

The Solicitor
General

The *Solicitor General* said a few words, and thought that by an amendment all difficulties might be reconciled.

Mr. Burke.

Mr. *Burke* entered into a particular description of the bill, and contended that in necessity, in prudence, and in policy, the bill before the House was justifiable. It must always be remembered, that the genius of a people is to be consulted in the laws which are imposed upon them. They are to be adapted to the spirit, the temper, the constitution, the habits, and the manners of the people. The free system of Great Britain is considered by Britons, and justly, as the best and most beautiful fabric of government in Europe; but would the Indians think and speak of it in the same terms? No? Their habits were contrary, their dispositions were inimical to equal freedom. They were familiarized to a system of rule more despotic, and familiarity had rendered it congenial. Their situation and their feelings were truly lamentable in the eyes of men enlightened by comparison, and by a knowledge of the true nature of the human freedom. It would be a task worthy the benevolence of Britain to relieve those nations from the bonds of mental slavery. But if they should resist the lights of philosophy, if they should reject the proposed good, considering it as the greatest of ills, and declare that they love their old constitution, arbitrary and despotic as it is, better than the beautiful and the free system of British legislation, what must be done? must we abandon the government of the country rather than agree to rule over them by laws inimical to ourselves? surely not: men must be governed by those laws which they love. Where thirty millions are to be governed by a few thousand men, the government must be established by consent, and must be congenial to the feelings and to the habits of the people. That which creates tyranny is the imposition of a form of government contrary to the will of the governed; and even a free and equal plan of government, would be considered as despotic by those who desired to have their old laws and their

ancient system. The honourable gentleman painted in the most pathetic colouring the situation of the miserable natives. In all their calamities, in all their sufferings, it would be a consolation to their hearts to have their old laws, instead of the new institutions and the new judges which had been imposed upon them by the British legislature. The house had in the report of the committee, an account of the proceedings of those Judges. They were arbitrary in the extreme. The incroachments which they made on the most sacred privileges of the people, the violation of their dearest rights, particularly in forcing the ladies before their courts; the contempt that was shewn for their religious ceremonies and mysteries; and the cruel punishments inflicted upon them in case of their disobedience; new, strange, and obnoxious to them; all these things contributed in fact, to compel the British legislature to restore peace, order, and unanimity to the extensive territories of India, by giving them the laws which they approved. We had suffered enough in attempting to enervate the system of a country, and we must now be guided as we ought to have been with respect to America, by studying the genius, the temper, and the manners of the people, and adapting to them the laws that we establish.

Besides, the present distracted state of things in those territories called for the immediate exercise of the wisdom and the power of Parliament; an end must be put to the disorders; the contention between the co-ordinate powers destroyed all government; and it must be immediately determined, which of the two powers were to be superior; governor and council, or the judges. As it was, there could be no government, no justice, and no tranquillity; and in fact, those who opposed the present measure did it without consideration; they caught the idea of its being calculated to give uncommon and despotic power to the governor and council; and without reflecting that there existed at this time, a more arbitrary and offensive tyranny, because a contending tyranny, than that which, even granting them this position, was meant to be established: they exclaimed against the iniquity of investing the supreme council with extraordinary powers; did they not know that there now reigned two co-ordinate powers, both claiming and exercising despotism, and that in the most offensive way; in contention with one another; ranging the whole country into parties; tearing the unhappy people; and destroying by their opposition,

every principle and end of government, which is order, security, peace, and happiness on the one side; and strength, respect, and splendour on the other. It was immediately incumbent on the British legislature to put an end to this anarchy, and particularly so, because there was no legislation in the British dominions in India, and consequently, no authority which could quiet those contending despots. In doing this they would certainly confer a favour on the native Indians, for they would destroy one of two despotic powers, and by establishing solid government, would at least give security to the governed. This was necessary for the actual preservation of the territories; for no government could subsist without authority; and it was perfectly useful for him in that place, and in that season, to inculcate the necessity of strengthening the hands of government in that quarter of the world. For these reasons then the honourable gentleman said, the committee who had been appointed to enquire into the complaints of the British subjects and natives of India, had recommended this plan to the House, as the most likely to restore concord and good order to the people, and to give firmness and stability to the government. This was the remedy which they had thought immediately necessary to be applied, for the temporary redress of the subsisting grievances; there was no time to be wasted; the session was drawing to an end; and something must be done before their prorogation. If this should be found to be ineffectual, Parliament would have leisure to deliberate on some more adequate plan of judicature, in which the sense of the people themselves might be collected, and a permanent system established, founded on their consent.

Mr.
Courtenay.

Mr. *Courtenay* said, he had listened with the utmost attention to the honourable gentleman that spoke last, who often diffused the light of reason and philosophy through that House; however in the present instance, he had been disappointed. He had heard eloquence pleading the cause of despotism! and what were the reasons adduced by the honourable gentleman? he should take the liberty of stating them candidly and fairly. Why, the honourable gentleman had said, that the people of India had no representatives; that they were governed by an army, neither voted nor paid by the British House of Commons; that we enjoyed the monopoly of their trade and industry. What then! Why, says the honourable gentleman, establish despotism over so many millions of patient, inoffensive, industrious people; for

for that is the only proper mode of governing them. Such are the honourable gentleman's premises! and such his conclusion! And are these the only weighty, important, and incontrovertible arguments, which the honourable gentleman's ingenuity can suggest, in the defence of a clause, vesting the governor and supreme council with absolute despotic authority over the property, liberty, and lives of so many British subjects! He begged pardon of the House, they were no longer subjects if that clause passed; they were slaves. The honourable gentleman had indeed painted the situation of those people pathetically and truly. But what was the whole scope of his reasoning, the jet of his arguments? The Gentoos are indeed oppressed and wretched at present; but let us furnish the governor and council (whose tender mercies they have so often experienced) with the balm of despotism to pour into their wounds, and all will be well. Such are the principles of legislation; such are the principles of philosophy, on which this clause stands! The honourable gentleman, in order to evince the necessity of establishing despotism in the governor and council, had launched out into a bitter (and he hoped exaggerated) invective, against the judges; that the judges (taking advantage of their situation) had committed acts of oppression and injustice, he would not deny; but if they had done so, by wresting, perverting, and applying the law, contrary to the spirit and intention of it; was that a reason why the governor and council should be empowered to act arbitrarily and tyrannically, controuled only by their own discretion? The natives indeed had one specific remedy. If a Gentoo was imprisoned, he was deprived of his property; nay, if he was deprived of his life by an order of council, (in the latter case, Mr. Courtenay supposed his friends and relations must apply for justice) the native of India might commence a process in Westminster-Hall, and sue the delinquent for damages? Such was the specific remedy; such the redress; such the consolation pointed out to the natives of Hindostan by the humanity of a British act of Parliament.

Mr. Courtenay said, a similar mode of obtaining a posthumous justice was (he had heard) established in Turkey. The relations and friends of a convicted and executed criminal were allowed to produce evidence before the judge, and if his innocence was proved, (after his death) he was acquitted of the crime; yet the honourable gentleman had been pleased to treat
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every idea of granting any portion of freedom to the Gentoos as childish, absurd, and ridiculous. Was it, continued Mr. Courtenay, childish? was it ridiculous in his honourable friend (Mr. Dempster) to exert himself with that liberality of sentiment, which always distinguished him, to save the wretched inhabitants of India from the cruel and rapacious hand of despotism?

Mr. Courtenay urged, that the same specious and fallacious reasoning, as the honourable gentleman used, was equally applicable to prove the necessity of governing by arbitrary power in any part of the globe. The honourable gentleman had talked of two co-ordinate despotic powers, which must (without the regulations introduced into the present bill) exist between the governor and council, and the judges. But the honourable gentleman's assertion was the whole of his logic. Mr. Courtenay begged leave to ask the honourable gentleman, whether it was not possible to give the natives of India some portion of liberty adapted to their prejudices, laws, manners and religion; this was all he contended for; let ample authority be vested in the supreme magistrates of the state, for the salvation of the state, but not for the oppression and ruin of individuals. To keep the judicial, executive, and legislative powers distinct or separate, was the true and wise policy of every free government.

The honourable gentleman had (in defence of his argument, contended, that there was no legislative power existing in the British dominions in India; therefore destroy the judicial power (as far as this clause goes) blend it with the executive power make it as despotic as possible, for the happiness, protection, and security of the people!

Mr. Courtenay said, he would ever oppose such principles and such logic. Arbitrary power was not to be trusted with any man, or body of men; the temptation was too great, and was ever abused. But in the present case, even the petty (and often oppressive) creatures of power were protected, and the meanest men employed by the governor and council exempted from all judicial prosecution. The torrent of despotism not only threatened the fertile fields of Hindostan with ruin and desolation, but the foul streams, which flowed from this impure source, were conveyed to the remotest corner of the country. Was it from the mild, humane, liberal conduct of governors and councils in India, that such an unlimited, such a dangerous authority, was to

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be vested in them? How had the natives suffered by oppressive, rigorous, and cruel monopolies! How were such vast, and justly invidious, fortunes acquired in that country? How had the interior police, how had the administration of that country, in respect to war and peace, been conducted? By whose orders, by whose councils, by whose suggestion, was the Rohilla war commenced; and a brave and spirited people exterminated? Who had occasioned the Mahratta war, and the present calamities of the Carnatic, by the invasion of Hyder Ally?

If, continued Mr. Courtenay, the natives of India had been always ruled in an arbitrary, tyrannic manner, and were never subject to a regular jurisdiction; if they had been strangers to the blessings of knowing written and established laws, some plausible arguments might have been advanced by the honourable gentleman. But it was well known that the Gentoo laws (of which we were furnished with a translation by the India Company) specified and defined every crime with precision and accuracy, and allotted adequate (according to their ideas) and proportionate punishment.

Those laws, Mr. Courtenay observed, had the sanction of divine authority among them, were adapted to their climate, and intimately blended with their manners and religion; and their similarity, in many cases, to the Mosaic law, proved both their antiquity and wisdom.

Mr. Courtenay remarked, that his honourable friend (Mr. Demster) had contrasted the present state of the people with what it would be, if such a clause passed, by expatiating on the advantage the meaner subject now enjoyed, of applying for his *Habeas Corpus*. How was this answered by the honourable gentleman? That in several cases the chief justice had refused to grant one. But, if the chief justice had refused to grant a *Habeas Corpus* in all cases, did this shew he had granted it in none? No; directly the contrary.

The honourable gentleman had indeed owned, that in that twilight between peace and war, between anarchy and regal government, in Hindostan, some acts of oppression had been committed; he then begged leave to ask the honourable gentleman, if this political twilight had produced oppression and tyranny, would the darkness of despotism produce happiness and prosperity?

Mr. Courtenay concluded, by calling on the House to advert to the situation of so many millions of British subjects in India, who (by a former act) were thought worthy of

some attention and protection. But this clause militated against the spirit of our own act, which was designed to shield the harmless native from the rapacity of unfeeling avarice. What would be the consequence? The affections of our subjects would be alienated; they would feel themselves more miserable from the contrast, and must sink under the accumulated weight of anguish and despair. Our commerce, our revenue, must decline; and this country would ultimately suffer. Though the thunder of despotism burst on Hindostan, Britain would feel the shock; it would operate like the re-acting electric stroke, so ably demonstrated by a noble Lord in his eye (Lord Mahon), by which fatal effects are often produced at a great distance from the place where the lightening falls.

The committee divided on this clause. Ayes 75; Noes 5.

Sir Hugh
Palliser.

The following speech of Sir *Hugh Palliser*, was delivered by him in the House of Commons, on Monday the 4th of December, 1780, the day he took his seat. The House was in a committee of supply, and the navy estimates were the subject under consideration. We gave the substance of the speech in its proper place, but the following authentic copy having been handed about in private circles, we have thought it will not be unacceptable to our readers. The speech, as given to us, is prefaced with the following remark.

It has been no unfrequent practice, to publish parliamentary as well as other speeches, very different from those actually delivered, and with great changes and enlargements; and much may be said in favour of the practice, when there is not any intention to deceive and mislead the reader. But in the following speech, there are few variations or additions.

Sir, I did not call the honourable gentleman in my eye [Mr. Fox] to order, though he gave me sufficient cause for it; because I would not appear afraid to hear any thing he might say at any time, or in any place, or on any ground on which he might think proper to attack me.

Being unaccustomed and unqualified to speak in a public assembly, and having now many things to say, I must beg the indulgence of the committee, by allowing me to have recourse to what I have committed to writing.

But I must first apologize to the noble Lord [Lord North] next to me, if, in the course of what I have to say, I should repeat part of what his Lordship has already expressed; not having been apprised of the generous support with which his Lordship had now been pleased to honour me.

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I am not surpris'd at the attack now made upon me. After such harsh reflections and high menaces, as are said to have been uttered concerning me in this House, whilst I was absent, it was scarce possible that my enemies should decline all censure of me when present.

Thus foreseeing that there would be an attempt to raise a new storm against me on my first re-entrance within these walls, and through me to excite new convulsions in the state, I am come, in some degree, prepared for resistance; and I earnestly intreat the committee to grant me a patient hearing, whilst I offer some observations in behalf of the most injured character in the kingdom.

Notwithstanding the extreme violence of the prejudices against me on the acquittal of Admiral Keppel, and the outrages which followed, I never so yielded to the impressions of adversity as to be without the hope of finally obtaining justice from the voice of my country. It was this hope, with the consciousness of the rectitude of my conduct and intentions, which sustained my spirits throughout the succeeding unequal conflict: these encouraged me to persevere in the vindication of my honour, at the imminent risque of seeing that and my life sacrificed to the rage of party. Had I been in the least inclined to wave the contest, my enemies affected to be so merciful as to give me a fair opportunity. They strongly expatiated on the cruelty of permitting a trial which, as they conceived, even on the supposition of innocence, must, from the universality of the prejudices against me amongst my brother officers, terminate in my conviction and death. They solemnly washed their hands of my blood. They tenderly declared themselves fully satisfied with my present sufferings; nay, to alleviate these, they were so compassionate, that though they proscribed me from the honourable line of my profession, they had no objection to my having an ample pension for my support in retirement. Such was the language of my enemies, both in and out of Parliament. But I did not hearken to it. I was neither terrified by their menaces, nor soothed by their pretended kindness.

The event of my trial confirmed me in the expectation, with which I had before consoled myself. My judges, proving superior to the influence of party, and the dread of unmerited unpopularity, discharged their office with a determined impartiality; and the result was a sentence, which I shall ever think most honourable to me. In the introductory part of it, my judges declared, that "my conduct and behaviour

were, in many respects, highly exemplary and meritorious." Though too, the court had scrutinized into every part of my conduct, with an almost unexampled strictness, the only omission which could be suggested, was, that I did not inform the commander in chief of the disabled state of the Formidable. But so far was the court from imputing this to a blameable cause, or from attributing the least ill consequence to it, that they stated it in dubious and reluctant terms, simply pointing it out as a matter of opinion; and having so done, they concluded with an absolute acquittal. Indeed, had I conceived, that there was a probability of imputing such an omission to me, I should have been more full in my explanation on this head. I did take notice that the signal of distress in the fighting instructions was not applicable; and that the condition of the Formidable was so apparent, as to make any information from me unnecessary. I also noticed, that I had no frigate by which I could send information; the Milford, which was the only frigate in my division, having been taken from me by Mr. Keppel early in the afternoon. But I might have advanced several steps farther, to obviate the idea of omission. Till the Fox reached me between seven and eight at night, Mr. Keppel's own conduct did not leave me the least room to suppose him ignorant of the Formidable's inability to reach the length of my station in the line; for he not only did not make any enforcing signal to signify his expectation of seeing my division in the line till thirteen minutes after six, when the signal for coming into his wake was hoisted the second time; but also, on putting out the pendants of several ships of my division at half an hour after six, he did not think fit to make my pendant one of the number; whence I concluded, that he knew my condition, and therefore did not expect me. In respect to afterwards sending information by the Fox, if I had thought it necessary I had not the opportunity; the Fox having separated from me before I could finish what I had begun to say to her captain. What other means I could have devised to send an explanation to Mr. Keppel, time enough to answer any purpose, I am still to learn. But all this is not of importance to me. The terms in which the omission is stated with the acquittal which follows, sufficiently protect my character, being repugnant to the most remote idea of criminal imputation.

Since my trial, I have patiently waited for the subsiding of the public prejudices; and so far as regards my exculpation ~~from~~

from the charges for my conduct the day of engagement, I have reason to believe, that the proceedings on my own trial have opened the eyes of many ; who, before they knew what was my defence, had been seduced into an injurious opinion of me : and I trust, that the more thoroughly the grounds on which my judges acted, are examined and understood, the more convincing the proofs of my innocence will appear.

But still some unfavourable impressions continue to operate against me, on account of my accusation of Mr. Keppel ; and for this I have been blamed, even by some persons of great respect, who were far from being indisposed to form an impartial judgment, if they were furnished with the necessary materials.

In this part of the case, my ill-fortune exposes me to the most embarrassing disadvantages. On the one hand, there is a sentence acquitting Admiral Keppel, and declaring my charges malicious and ill-founded. But, on the other hand, the manner in which I was urged and driven to become an accuser, and the grounds on which I could have sustained my charges, are not only ill understood, but in truth have never yet been explained by myself. The proper time for discussing this matter was, when Mr. Keppel was on his trial ; but then the opportunity was denied to me. The trial being closed, and a judgment of acquittal irrevocably pronounced, it might seem invidious and unbecoming on my part to publish to the world what I should have offered in support of my charges. Such a measure I have therefore declined hitherto ; nor will I ever be induced to adopt it, by any thing less than its being authoritatively called for, or the most apparent impossibility of otherwise resisting the attempts to complete my ruin. But then the difficulty is, how to avoid such an extremity, without surrendering myself a quiet victim to the persecuting spirit of my enemies. The leaders of them have continually been loading my name with reproaches ; and though some of them, on many accounts, have a title to much respect, yet even these so forgot all manliness of character as to assail me with the most embittered eloquence in this House, when it was known that I could not be present to defend myself. Now too, that I am present, they know the advantage they derive from my being unendowed with qualifications for a popular assembly ; and thence they are encouraged to re-commence their attacks ; though surely they cannot imagine, that I shall sit still,
without

without at least endeavouring to give a check to any aspersion aimed at me personally. Under these circumstances, should I continue acquiescing in these public attacks of my character, without any attempt to repel them; more especially at this time, when I am threatened with new efforts to keep me out of the service of my country; I should establish the credit of the misrepresentations by which I deem myself so highly injured. Some explanation on my part is therefore immediately requisite, to disappoint my enemies of the final accomplishment of their designs.

It is not, however, my intention to revive the consideration of the passed transactions relative to Admiral Keppel and myself, farther than he and his friends shall compel me by their hostilities. I am well convinced, not only that very ill consequences have already arisen to the public service from the contest between that gentleman and me, but that new mischiefs will be generated if the subject is resumed. Under this impression, I think it incumbent on me to make great sacrifices of my own private feelings, rather than administer the least pretence for any farther discussion of the grievances, of which the Honourable Admiral and I respectively complain. Therefore, on the present occasion, I shall avoid speaking to many points in which my character is interested; and I shall keep within much narrower limits than I should prescribe to myself, if I aimed at the full defence of my conduct towards the Honourable Admiral who is opposed to me.

The friends of the Honourable Admiral, in their invectives against me, seem to place their chief reliance on the sentence pronounced by his court martial; I mean that part of the sentence which declares my charges malicious and ill-founded. This is the bitter spring from which my enemies draw poison to impregnate their licentious declamations.

If the Admiral's friends were content with appealing to this sentence as a testimony of his innocence, I, on my part, for the sake of public tranquillity, would forbear all complaint and objections; but when the Admiral, or his friends, aiming at a farther persecution of me, apply that sentence to fix upon me the stigma of being a false and malicious accuser, I cannot acquiesce. The injury is too gross to be patiently submitted to. As such I feel, and will resist it.

Sir, I can make many important objections against the proceedings of the Honourable Admiral's court-martial; and so far as they affect me, I deny their authority. Should my enemies persevere in their threatened motion to disqualify me

from the service of my country, they shall find me ready to lay before this House a full and pointed explanation of all the hardships and irregularities by which I conceive both the public and myself to be aggrieved; and I will undertake to prove my objections, from the trial printed by authority of the court, and the one published by authority of the Admiral himself. At present it would be premature to enter minutely into such a discussion, there being no motion before the committee to warrant it. But after having heard the sentence of Mr. Keppel's court-martial, so loudly and indignantly pressed against me, I trust that the committee will indulge me with some present general observations upon it.

I might say of the sentence, that the part which condemns me for malice was extra-judicial, and therefore ought not to affect me; and, legally speaking, I should be justified. The court was not constituted to try me, or my motives. The Honourable Admiral alone was the subject of their jurisdiction. Whether he was innocent or guilty, was the only enquiry to which the court was competent; and so the court sometimes told me, when I put questions to the witness that related to my own conduct. But for the present I will not farther urge the court's incompetence. The complaint which I shall now enforce is, for their not hearing me. As prosecutor I had clearly a right to observe upon the evidence; I had a right to reply to the Admiral's defence. To observe upon the evidence and defence, after examining witnesses to support it, is the right of every complainant, either by himself or counsel, in every cause, in every court. I say this of my own country; but should I extend the assertion to every other country in Europe, I should not run the risque of much contradiction or exception. To hear observations from one party only, is contrary to natural justice, contrary to the practice of all courts I have heard of. That both parties should be heard is as essential to justice in courts-martial, as it is before other judicatures. The maxim of *audi alteram partem* is universal; it is the golden rule, for the guidance of all courts. But, plain and obvious as this right of being heard is, I was opposed in it by the Honourable Admiral himself; and it was denied to me by his court-martial. Admiral Keppel objected to my being heard on the merits in any stage of the trial, and the court yielded to the objection throughout.

On the close of the evidence for the prosecution, I offered to address the court, and tendered a paper for that purpose:
but

but the Admiral instantly objected to my being heard, explaining himself to mean, that I had no right to make a speech on the merits in any stage of the cause; and the court without knowing what the paper contained, after some deliberation, resolved not to hear it. I then solicited to know, whether I should be at liberty to address the court on the close of the evidence on each side. The Admiral repeated his objection to my being heard on the merits in any stage; and emphatically said, that he would oppose it to the last minute. If the court had answered my question negatively, my intention was, to have protested against their proceedings, and declined any farther attendance. But I was misled into a belief, that finally I was to be heard; for Admiral Montagu, one of the court, declared, that when Admiral Keppel's witnesses had been examined, he should be extremely glad to hear every thing the prosecutor had to say; and this declaration was not contradicted, or in any disputed by the rest of the court. The fact I now state appears only in the trial published by authority of Mr. Keppel: the words which passed after the court's resolution not to hear my paper, having been ordered to be expunged from the Judge Advocate's minutes, though part of the matter expunged had been minuted by the Judge Advocate at my particular requisition.

After the defence and the examination of the Admiral's witnesses, I again pressed the court for a hearing, and claimed a right to reply to the defence, and to observe upon the evidence, giving, as an additional reason, that the defence was in great measure a recrimination of me, the prosecutor. But I was again interrupted by the Admiral, who insisted that it was unprecedented: and I was again refused a hearing by the court, notwithstanding Admiral Montagu's promise to hear every thing I should have to say. Thus the trial closed with a sentence acquitting the accused, and condemning the accuser, after hearing the former, whenever he thought fit to address the court; but without once hearing the latter, either in support of his charges, or in justification of himself.

Such are the extraordinary proceedings, on the authority of which I have been continually the subject of popular declamation, both in and out of Parliament: such is the sentence, on the basis of which an honourable member of this House has, I am told, pledged himself to impeach one of

his Majesty's ministers, and to give the final blow for my destruction.

But before he becomes an accuser, with such a sentence for his sanction, the honourable gentleman may find it convenient to deliberate on the difficulty of justifying such an irregular proceeding as I have described. If he undertakes the task he will have many strange assertions to make, many embarrassing propositions to maintain; such as I cannot imagine any man, however confident, will presume to offer in that House.

Will the honourable gentleman say, that it is consistent with justice and impartiality to hear one party only?

Will he assert, that it is consonant to justice to hear every thing from the accused, and at the same time to refuse hearing any thing from the accuser?

Will he assert, that an accuser has no right to be heard on the merits in any stage of the trial?

Will he deny, that it is the practice of Parliament, and of all our courts of justice, to hear accusers and complaints of every kind, by themselves and their counsel, on their merits?

Will he allow, that if the House should impeach any of the King's ministers, it will be justifiable in the House of Lords to refuse a hearing to those appointed to conduct the impeachment? Or, will he say, that they would submit to be restrained to the examination of witnesses only?

Will he deny, that since the æra of the Revolution, the twelve Judges of England have subscribed their names to a paper, which solemnly recognises the right of the prosecutor to observe on the evidence and reply to the defence in treason; or will he deny, that Lord Holt, the then Chief-justice of England, was one of those judges?

Will he deny, that the volumes of state trials prove a continual exercise of the same right, in crimes of every class and denomination; in those of the higher order, those of the middle order, and those of the lower one; as well in felonies and misdemeanors as in treason?

Will he deny, that the late Lord Chief-justice of the Common-pleas, when Solicitor-general, exercised this right against a noble Lord now living; or that the present Chief-justice of the same court, apologised for not exercising it on the trial of the Duchess of Kingston?

Will he deny, that in Mr. Horne's case, the present Lord Chief-justice of England, recognized the right of reply as

too clear to bear an argument, though the accused, to avoid a reply, should decline offering a syllable of evidence; or will he deny, that Mr. Horne's defence was replied to by the present Lord Chancellor, who was then Attorney-general?

Will the honourable gentleman deny, that in all complaints and accusations by individual members of either House of Parliament, it is the constant practice to hear observations from, and to allow the reply to the complainant; or will he deny, that a late member of this House exercised this right in the last session of Parliament, on a very serious charge against the noble Lord [Lord North] near me.

Will he deny, that the Judge-advocate, or any other person prosecuting, has a right to be heard at land courts-martial on the merits, when such prosecutor requires it?

Will he deny, that prosecutors, who appear and demand to be heard on the merits, are heard at naval courts-martial, and say that it is unprecedented?

Will he deny, that the Captains who accused Admiral Knowles, were heard in observation on the evidence, and in reply to his defence?

Will he deny, that Admiral Knowles was heard in observation on the evidence, and in reply to the defence of his Captains, on four several trials?

Can he name one instance of a prosecutor, who was refused to be heard by a naval court-martial, except the instance of myself at the trial of Admiral Keppel; or if he can find such, will he say that it is conformable to established practice and approved precedents, and ought to be followed?

Will he assert, that it is just to condemn any man as a false and malicious accuser, without a trial or hearing of any kind; more especially in a case in which one part of the defence was a recrimination of the accuser?

Will he deny, that I am entitled to the benefit of that chapter of *Magna Charta*, which declares that justice shall be denied to none, that none shall be taken or imprisoned, none shall be outlawed, none shall be banished, none shall be destroyed, unless by the lawful judgement of his peers, or the law of the land?

Will he say, that it is not contrary to *Magna Charta*, contrary to justice, contrary to the law of the land, to condemn, to disqualify, to record me guilty, before I have been tried or heard?

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Will he say, that it was right in Admiral Montagu to promise a hearing to me, and the Court to acquiesce in it, and afterwards for the same judges to refuse me a hearing? Or will he undertake to produce one other example of such a conduct from any court of this country on a solemn trial?

Will the honourable gentleman assert, that, if he should be an accuser of any minister, or any man in this House, it will be justifiable to refuse hearing a speech from him on the merits in any stage of his accusation; or that he ought not to be heard on close of the evidence for the accused?

Will the honourable gentleman risque having it recorded, in the Journals of this House, that if he should ever be so unfortunate as to have a charge against him, whether for a malicious accusation, or any other matter, it will be just to condemn and punish him without hearing one word from him in his exculpation; without suffering that eloquence, by which he has so often attacked and defended others, to be once exerted in behalf of himself?

I cannot convince myself, that the honourable gentleman will risque his fame and popularity on such language and doctrine. But though he should be so transported by the rage of party, by zeal for the Admiral, his friend, by hatred of me, or by any other incentives, as to make such a mockery of truth and justice; or even though his committee of safety should publish to the world their implicit assent to the position, that an Englishman, or any man, could be condemned to utter ruin without trial or being heard; I trust that they will not have the countenance of this honourable assembly. At least, I trust, that there will not here be found a majority of such determined bigots to the cause of the honourable Admiral, and the party he is attached to. If too the honourable gentleman should thus deeply pledge himself to establish a precedent of injustice, it is not impossible but that he may live to suffer by his own invention. He is well read in the page of human life; he knows the strange vicissitudes to which it is liable; he is not ignorant that none are exempt from a portion of its bitterest calamities; he must feel, that the more elevated the station the more it is exposed to the rude assaults of winds and tempests. Lightning will blaze and fire the proud and lofty palace, whilst the low and humble cottage escapes unhurt. Let the honourable gentleman then, for a moment, explore the deep abyss of future events, and he will there see, that even he may be accused; that even

he may be forced before the awful tribunal of justice. But should he be thus arraigned, how can he claim to plead in support of his own innocence; or should he so claim, may not his judges sternly pronounce this severe and tremendous sentence of retribution? You are the unjust judge who condemned your fellow-subject without trial or hearing;—He strenuously urged you to listen to his exculpation, before you recorded him guilty;—he solemnly warned you against establishing such a precedent of injustice;—But your heart was steeled against the tender feelings of humanity, your ear was deaf to the loud cry of justice; and under the pretence of public good, you made a sacrifice to an unbridled passion of private resentment.—Thus, by his fate you promulgated a law for punishing without trial; a law for your own destruction. The law is most harsh and cruel; but you are its author;—you overwhelmed your adversary by enforcing it.—Go thou, and by the same law perish likewise;—this is your sentence!—let it be eternized for the future instruction of mankind;—but henceforth let the law be repealed;—your punishment alone will suffice to teach men how to respect the equal course and order of justice.

Should the honourable gentleman defend Mr. Keppel's court-martial for condemning me unheard, is it possible that he can reflect on the affecting situation I have imagined for him and not tremble? or can those rash persons, if such there be, who shall stoop to search for precedents to uphold him in so unjust a conflict; who shall ransack the annals of injustice to sanctify such doctrine; can they, I say, after this notice, proceed in their office without fear of the consequences!—No; I think it impossible! Let them then retire in time; let them desist from the inglorious pursuit, before they are covered with shame and disgrace.

Sorry I am, that the occasion should extort from me such strong colouring, such impassioned language. But the honourable gentleman, and his friends, are not yet pledged to palliate or defend the condemnation of me without trial or hearing; and I wish, if they will not shrink from the task of being advocates for violated justice, to leave them without the least excuse for such a conduct. I am the more sorry to speak thus strongly, because I feel for the judges of the honourable Admiral's court-martial. When they reflect on the serious consequences from the dangerous example of condemning an officer unheard, I am sure that they will be afflicted at one part of their proceedings. I do not on this occa-

sion allude to the acquittal of their honourable Admiral, or to the approbation they have expressed of his conduct; but I mean, that they will lament having refused me a hearing, and yet condemned me for malice. Thus much I say concerning them, lest the gentlemen should suppose that I impute to them a deliberate and intentional deviation from justice. Great as my sufferings have been from their imputation of malice to me, I really exculpate them in point of intention; and I will do them the justice to believe, not only that the injury I complain of was not wilful, but that they will be most happy to see me fully relieved from its dire effects. •

These observations on the proceedings of Admiral Keppel's court-martial, I submit to the committee, very much detract from the weight and authority of their sentence. However, I do not ask to impeach the sentence, considered as an acquittal of the honourable Admiral.—No; let him enjoy every benefit possible to be derived from an acquittal; let his friends perpetuate the memory of it by illuminations, by triumphal processions, by parliamentary congratulations, by offerings of boxes, by addresses, by statues, by columns and monuments, by inscriptions; let his day of acquittal be commemorated as an anniversary. But when the friends of the honourable Admiral extend their views still farther; when they declaim against me as convicted of a malicious accusation; when mobs are excited to destroy my person and property, to enter forcibly and pull down my dwelling houses, and to insult my friends and servants; when there are in Parliament persons so lost to all sense of justice as to palliate such outrages and felonies, or rather almost to defend them; when the friends of the Admiral accuse me of criminal disobedience as an officer, and in the same breath use threats to deter me from a trial; when during the pendency of my trial, they confederate to inflame my judges against me, and so to reach my life; when, notwithstanding my acquittal, they still proclaim me a guilty person; when they state Mr. Keppel's acquittal as a condemnation of me; when they justify Mr. Keppel's judges for refusing to hear me, his prosecutor, and for condemning me as such unheard; and when, to complete the measure of injustice, they threaten to make the sentence by a court, which neither would hear, nor had the power to try me, the ground for recording me as infamous by a vote of Parliament: I say, Sir, when all these provocations occur, can it be expected, that I should tamely and passively submit myself to the injuries thus heaped upon me, rather than utter any

thing to the disparagement of Mr. Keppel's court-martial or their proceedings? I am as zealous for the good of my country, I am as ready to make sacrifices of my own personal convenience to it, as my enemies can be. But I cannot think it either for the honour or advantage of my country that any officer or man should acquiesce in such treatment. If an enquiry into the justice of the proceedings of Mr. Keppel's court-martial should produce any public mischief; if thereby his acquittal becomes less splendid, less honourable; his friends, who force on the discussion, are responsible both to their country and him; not I, who am ready to bury in oblivion past injuries, if the honourable Admiral's friends shall abstain from farther provocations.

It may perhaps be said, in justification of Mr. Keppel's court-martial, that there are instances of sentences by other courts-martial, acquitting the accused, and reprobating the accuser for making the charge. That there are such instances I readily admit. Nay, though every thing beyond trying the accused is certainly extra-judicial, yet, where the accuser has been heard in support of his charge, and fails grossly; or has declined to be heard, and admits that his charges are not proved, it may be excusable, under very aggravated circumstances, to censure the accuser, for the sake of more completely marking the injury done to the honour of the accused. But I call upon Mr. Keppel's friends to name one example of such a stigma on an accuser without allowing him to be heard in support of his charges, and in defence of himself for making them. Without such a hearing, how is it possible to form an adequate judgement of the conduct of the accuser, or of the grounds and motives on which he proceeds? Who can say what new lights may arise when a great mass of evidence is explained, digested, and commented upon? Besides, as I have already urged to the committee, it cannot be fair and just, to hear the evidence observed upon and applied by one of two contending parties, without allowing the same benefit to the other. If that equal advantage had not been denied to me by the honourable Admiral's court-martial, who can pretend to say what would have been the consequence? My defence before the court-martial upon me proves that the recrimination, on which the honourable Admiral rested part of his defence, was capable of being falsified; and though there was not so much evidence to this point before his court-martial, as occurred afterwards, yet there was matter amply sufficient to have evinced my innocence in the most material

material allegations against me, if I had not been restrained from explaining myself to the court. The evidence of Captain Marshall, commander of the repeating frigate, so warmly and deservedly applauded by Admiral Keppel, with the testimony of the mate and minuting officer of the same frigate, without any thing more, if I had been allowed to make my comments on the signals those three witnesses swore to, would have effectually disproved the chief part of the recriminatory charge in Mr. Keppel's defence. If too, the court had suffered itself to have been possessed of the key to so material a part of the case, who can pretend to say that it would not have caused impressions favourable to me? What might have been the result, it would not become me to give my sentiments, farther than by saying, that I am confident it would have cleared me from the imputation of malice, even in the minds of those members of that court, who gave their consent to that part of the sentence, which was not unanimous as the acquittal was. I have still too respectable an opinion of the judgement and honour of those gentlemen, to believe that they would have entertained so injurious an opinion, if they had heard me.

So much I offer to the committee, to protect myself against any argument from that part of the sentence of the honourable Admiral's court-martial which condemns me for malice.

Now, Sir, I beg the indulgence of the committee for a short time longer, in order that I may explain in what light I shall appear before the committee, if the extraordinary and irregular condemnation of me for malice, annexed to the honourable Admiral's acquittal, is laid aside.

If Admiral Keppel's case and mine are compared, independently of the words in the sentence which impute malice to me, the most eloquent of his friends will find it no easy task to discriminate between us, with the least shew of advantage to the honourable Admiral. We have both been accusers; we have both been accused; we have both been tried; we have both been acquitted. In any one of these points, what can the honourable Admiral's friends object to me, without detracting from his fame, from his merits, from his importance, at least in an equal degree?

They indignantly object as a reproach to me, that my charges were a recrimination. But are there no circumstances under which a recrimination may be justified? because recrimination is presumptively and at first a ground to suspect that the accuser is influenced by bad and interested motives; is it therefore to be always concluded, that a recrimination

cannot be true, cannot proceed on just and honourable grounds? If the person accused thinks that the crime or fault imputed to him belongs to his accuser, is it inconsistent with honour to undertake proving it? If too the original accuser, preferring a secret, undermining, and indirect attack on his opponent's reputation, declines making his charge in a legal way, and so endeavours to disappoint the man he criminales of a trial; is not such a conduct a strong provocative to a well founded recrimination? Is there no example of such recriminations in the naval service, and have they always been condemned? Did not Admiral Knowles's captains recriminate, on the ground of their conceiving that he attempted to shift his own faults upon them? Was not the Admiral tried and censured upon this recrimination? Was not the conduct of his captains much approved of by their brother officers at the time? Will the officers of the navy concur in the opinion, that no provocations, no injuries from their commanders, shall justify a recrimination, however founded in truth? Suppose, however, for a moment, that recrimination is ever wrong; suppose that there was no example of it before, how can the honourable Admiral and his friends detest me for recrimination without condemning him? Are they clear, that there has not been as much of recrimination on his part as on mine? Are they certain, that he did not recriminate with circumstances far more unfavourable than those which occurred in my case? My accusation of him was made so as to put him upon his trial: I specified my charges; I risked being a prosecutor; I abstained from being a witness. But the Admiral accused me at first in dubious and obscure terms; and though on his own trial he avowed accusation, he never would consent to bring a charge against me. Thus when I was tried, he became a witness against me, and delivered his testimony in so narrative a way, and with so much freedom and copiousness of observation, as to discharge the offices both of accuser and witness, and so in substance to act in two characters, whilst in point of form and responsibility he appeared only in one. Which then of the two accusations was the most manly, the most direct, the most open, and the most agreeable to law and justice? Which of the two accusations most participated of the quality of recrimination? mine, which followed a secret and indirect accusation; or his, which followed an avowed and direct one?

The common notion, I am aware, is, that I made a charge against the Admiral to screen myself from a trial:—but nothing

thing can be farther from the real fact. Before I made any charge against the Admiral, I gave him the fullest opportunity of first charging me. Nay, in effect, I publicly called upon him in this House to bring me to a trial; for when he insinuated here that he was disposed to overlook and hide my faults; I rejected the proffered favour as an insult, and I claimed an accusation from him, if he thought me deserving of the least censure; observing, that hints and insinuations were worse and more dangerous than charges. Had the Admiral avowed accusation when he was thus urged to it, I could have had an immediate trial, without being exposed to the odium of first appearing as an accuser. But the Admiralty would neither exculpate nor excuse me; knowing that the Admiralty would not grant me a trial without a charge of some kind or other; or that if one had been granted without any charge under the then circumstances, it would have been called a sham trial. By this manœuvre I was driven to the fatal alternative, either of becoming an accuser of a man, too great to be questioned without the utmost hazard, or of submitting to the injurious imputation of being deemed the cause of our doing so little in the action, when, if there was blame, I thought that it belonged to him. Having made my charges against the Admiral in a legal way under this embarrassment, I again evinced my anxiety for a trial on myself. For this purpose I wrote to the Admiralty, and desired that the Admiral might be required to make his charge against me, and that I might be put upon my trial immediately after his was over. He was so required, but he still declined a legal accusation. Yet as his defence was a direct recrimination of me, immediately after the sentence acquitting him, I wrote once more to the Admiralty, to demand a trial on the ground of the charges appearing against me on the Admiral's defence. Upon this the Admiralty once more called upon Mr. Keppel for an accusation. But notwithstanding this third requisition, founded upon his defence, he still refused to make his charges legally. However he would not absolutely renounce his right, as I understand the words of his letter, but only disclaimed an intention to charge me; his last letter truly observing, that the law had fixed a period for bringing charges, which in fact was not then elapsed. Thus he made sure of bringing me to a trial in a manner the most advantageous to himself; the most disadvantageous to me. On the one hand, he had every reason to think that when the proceedings of his court-martial were considered by

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the Admiralty, his recriminating defence would force them to undertake the prosecution of me; in which case he was sure to be a witness against me, instead of being responsible as a prosecutor, and I was sure to be left without any specification of charges. On the other hand, by adverting to the time which the law allows for such accusations, he seemed to reserve to himself a right to prosecute, if contrary to his expectation, the Admiralty should not direct a trial. Consider these facts, and compare my conduct as an accuser, with the Admiral's. The result will be, that all the art and policy were on the side of the Admiral; all the openness, and, if we judge by events, all the unguardedness were on mine. But I do not envy the honourable Admiral such a superiority.

It has been urged against me, that I was too late in my accusation; and that if I had thought the honourable Admiral guilty of misconduct, I ought to have avowed my sentiments immediately, and without waiting till he accused me. I answer thus. From the beginning, the conduct of the Admiral was not adequate to my expectations. I thought, that the engagement of the 27th of July was injudiciously conducted; that the manner of carrying us into action was disorderly; that there was too much neglect of manœuvres, too much contempt of the enemy, too much confidence at first; and too much awe of the enemy, too much distance from them, too much diffidence of ourselves afterwards. But my friendship and esteem for the Admiral, his previous services to his country, his high name in the world; these moved me to a favourable construction! and thus influenced, I imputed the miscarriage of the day to error of judgment, to ill health, to ill advice, to ill fortune, to every thing devoid of that evident and positive criminality which might force to undertake the painful office of accusing one whom I then deemed my friend. As there was not room for praise, I did not bestow it; and as I then conceived, that the Admiral's failures might not be wilful, I both avoided public accusation, and most rigidly abstained from secret detraction. But new lights and new occurrences presented to my mind a very different view of the Admiral's conduct. When the discontents increased through the nation, in consequence of the reflection, that a superior fleet of England had, for a time, declined continuing to engage an inferior one of France, and permitted it to return into port, in the middle of summer, unpursued; the officers, relations, friends, and dependents of the honourable Admiral, thought fit to account for this new phenomenon at the

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the expence of my reputation; and for that purpose some of them published to the world, that my defaults had prevented a second engagement. Being thus injuriously attacked, I both personally and by letter solicited the honourable Admiral to give a check to such aspersions. But he refused to do this justice to my character; and on conversing with him and his first captain, I found, that they not only countenanced the slanders against me, but added to their number, by refusing to acknowledge, either that on coming out of the action I instantly wore to return to the enemy, or that they had even once seen me on the proper tack for that purpose. This explanation from the honourable Admiral and his first captain excited both astonishment and suspicion. I was amazed at their denial of such uncontrovertible facts, and at the Admiral's adopting a language so inconsistent with the high commendation of me in his public letter; and I then saw, that there was a plot concerted to destroy my character without a trial, and so to make me chargeable for the Admiral's failures. My feelings on the occasion were the stronger, because I was conscious, that the chief part of the battle had fallen to the share of me and my division; that I had set an example of forwardness to pursue our blow by instantly returning upon the enemy, and continuing to stand towards them again; that, though the last out of the engagement, I was advancing to be the first in the renewal of it; and that I should have had that honour, if the Admiral had not declined renewing the action, and taken his fleet in a direction from the enemy. Under these circumstances, it was natural, that I should scrutinize the Admiral's conduct more rigidly, and no longer see it with the partial eyes of a friend; and on such a view of the unhappy miscarriage, I at length imputed to real neglect, what I before had ascribed to causes which might be pardoned, more especially in consideration of former services, and such as at first did not seem to me to preclude the hopes of better management in case of again meeting the enemy. Indeed, if, in Mr. Keppel's place, there had been a man indifferent to me, one of whom I had not before formed a very high opinion, it is probable, that my mind would have shaped a different course, probably my first judgment of the matter might have been the same harsh one, as is conveyed by the charges against the Admiral. But what apology can he make for the lateness of his accusation; he, who had the charge of the fleet, and the command in chief; he, in whom the nation reposed its confidence, not only for the discharge of his own duty, but to see that those under him completely performed what they owed to the state?

What apology can he make for first praising me by a public letter, and in equal degree with Sir Robert Harland, and afterwards accusing me for the same affair? Shall he be at liberty to retract his applause, and to substitute accusation for it? Shall he be allowed to say, that his heart dictated censure, whilst his pen wrote praise? And shall mere silence restrain me from accusation, or be imputed to me as insincerity and inconsistency?

As to the state of the proofs on the two trials, I purposely avoid all comparison; because that would be entering into the merits of them, which I think would at this time be improper.

If the Admiral's friends choose to pursue the subject, and to contrast my trial and the terms of my acquittal with his, I do not fear the comparison. His sentence, it is true, is more pompously expressed than mine; but when the incidents to the two trials are considered, it will be more than a counterbalance for the external brilliancy of his acquittal. The Admiral had every advantage to favour him on his trial. He was aided by the influence of the most extensive family connexions; he was backed by the whole party in opposition to government, the heads of which daily crowded the trial to countenance and protect him. He was not wholly unaided even by some of the professed friends of Administration. His judges throughout refused a hearing to me as a prosecutor. Having announced myself an accuser, I, from motives of delicacy, declined to appear as a witness. Before the trial, Parliament altered the place of trial in his favour, to accommodate him, without so much as a solicitation of this distinction from himself; and a number of Admirals petitioned the King to throw a slur upon the accusation. But I had no such advantages. Instead of them, I had the most trying difficulties to encounter: the prejudice from having been declared by Mr. Keppel's judges, a malicious accuser: the prejudice from the inflamed and mad state of the multitude through the kingdom: the prejudice from having any accuser a witness: the prejudice from the votes of the two Houses of Parliament in favour of Mr. Keppel: the prejudice from the continual efforts of the party in opposition to government against me, to deter me from having a trial: the prejudice from the efforts, nay from the menaces, of the same persons, to aggravate the difficulties of such a disadvantageous trial: whilst, from beginning to end, there was the most apparent passiveness on the part of those in government and their friends: the prejudice from the want of a specific charge: the

the prejudice from the threats to my judges if they acquitted, with the prejudice from the applause promised if they condemned. With such advantages on Mr. Keppel's part, acquittal became so easy to him, that, though there had been faults the most censurable, condemnation was barely possible. With such disadvantages on my side, it was even surprising, how innocence could escape the fiery trial. Which acquittal then was most honourable, Admiral Keppel's, with every prejudice, every indulgence, every exertion, every advantage for him; or mine, with every prejudice, every obstacle, every hardship, every advantage, against me?

June, 29.

The order of the day for examining witnesses on the petition of the American prisoners confined in Mill-Prison, at Plymouth, was read, and Dr. Farquharson, of the Sick and Hurt Office, was called to the bar. He informed the House, that the prisoners had an allowance per day, per man, of one pound of bread, three quarters of a pound of meat, one pot of beer, half an ounce of butter or of cheese, together with about half a pint of pease, or greens in proportion in lieu thereof. This was not so much as the French, Spanish, and Dutch prisoners were allowed, for they had one pound and a half of bread a day. He said, that this allowance was made for them before the war with France and the other powers commenced, and they had in making the ratio referred to the precedent in 1745, as applicable to the case of the American prisoners; but the allowance was greater than that which was given to the rebels in that time, for they had only a pound of bread, half a pound of meat, and a quarter of a pound of cheese; they had neither beer nor greens allowed them. He said, that they were allowed the same clothes now as they had been from the beginning, that they had a large airing ground, that they were healthy and vigorous; as a strong proof of which he would mention, that though they had been attacked by the small-pox, yet out of six hundred and thirty-one prisoners in four years only eighteen had died. Mr. Mullinan spoke to the same fact.

Mr. Fox then rose, and said, that as the gentlemen had at least confirmed one part of the allegations contained in the petition of the American prisoners, viz. that they were not treated so well, nor allowed the same quantity of provisions that the French, Spanish, and Dutch prisoners were, he would submit to the House the propriety and policy of this conduct. Whether it was fit, prudent, or wise, that we

Mr. Fox.

should make a distinction in favour of the old inveterate enemies of this country, to the prejudice of those who were, and whom he hoped would one day be again our fellow subjects. If any preference were to be shewn, he conceived it ought, with prudence and policy, to be made in favour of America; but at least there ought to be no distinction made to their disadvantage. He would therefore, he said, move for an address to his Majesty to put them on the same footing, unless some gentleman in office would give the House an assurance that without any farther proceeding it should be done.

Admiral
Keppel.

Admiral Keppel spoke to the same effect; supported the justice and the generosity of the idea of treating them at least with equal kindness; and recommended to the House to adopt the wise policy of conciliating the minds of the Americans by offices of tenderness and predilection, by which they may be prompted to treat the subjects of this country in their hands with equal attention; and by this interchange of kindness the old friendship and connection might be renewed. He mentioned a circumstance which came within his own knowledge. When he was at Plymouth, in the command of the fleet, he received a letter from a person in that jail, stating that he was called upon by a large body of the American prisoners, then in custody, to apply to him to solicit his interference in their favour, that they might be permitted to serve his Majesty on board his royal navy against the French, the ancient enemies of Great Britain. They were eager to do this, from the regard which they had for Britain, though as Americans they had taken up arms for the preservation of their domestic freedom, yet they were eager, and anxious to exert themselves against the common enemy; and if they were granted this request, they would then cheerfully submit to be tried for their offence in taking up arms in the original cause of America against the mother country. The person who wrote this letter, said that he was not an American, but an Englishman, taken on board an American privateer; that he had fought under the Admiral in the reduction of the Havannah, and was anxious again to share in the dangers and the triumphs of his country. This offer he considered as so honourable to themselves, as well as advantageous to the country, that he transmitted the letter to the Admiralty, with an earnest recommendation on his own part to accept the proposal, and give him liberty to take advantage of the offer. About two hundred excellent seamen would have been procured by this means for his Majesty's service; but the Admiralty, for what reason he was never able to learn, had

had thought proper to refuse the request. They had, however adopted it since that time.

Mr. *Penton* rose, he said, not to inform the honourable gentleman that any measures would be taken to put the American prisoners on the same allowance as the French, Spanish, and Dutch prisoners; he thought that the provision made for the American prisoners was fully sufficient. It was declared to be so by the witnesses at the bar, and the best proof of it was the remarkable health in which they had continued during the time of their confinement. Mr. Penton.

Mr. *Bamber Gascoyne* said, that the American prisoners were not only put on a better footing than the rebels were in 1745, but they had absolutely more provision than our own soldiers when on board the transports. He thought it would be wrong to put them on the same footing as the French and other prisoners of war; they were not prisoners of war, but were entertained better than any other prisoners under the same predicament. It was natural for prisoners to complain; and nobody could blame them: but it was wrong in gentlemen to bring every complaint from prisoners before Parliament till the nature of it had been considered. He never knew a judge enter a town on the circuit, but there was always a complaint preferred to him by the prisoners against the jailor; and he could say, that he seldom, if ever, found the charge to be true. As to promising that the Americans should receive a larger allowance than their present, he would do no such thing; he thought it already sufficient, and considerably greater than one half of England enjoyed. A motion for an address he thought premature; for it should be preceded by a resolution, stating some grievance that had been proved to the House. Mr. Bamber Gascoyne.

Mr. *Fox* admitted the propriety of the last observation, and moved, "That it is the opinion of this House, that the American prisoners are entitled to an equal allowance of bread with the French, Spanish, and Dutch prisoners;" and before he sat down he condemned the cruelty, inhumanity, and barbarity of treating Americans worse than other prisoners. He insisted, that if a pound and a half were necessary to a Frenchman, one pound was insufficient for an American: and on the other hand, if one pound was sufficient for the American, the odd half pound was unnecessary to the Frenchman; it was thrown away, and ought to be withheld.

Lord

Lord North. Lord *North* said, the present allowance to the Americans was sufficient for their purpose; and he was convinced, that every gentleman in the House knew, that the bulk of the people of England, particularly the labouring men, were not able to lay out, individually, so much money in the article of provisions as were allowed for the support of each American prisoner. He thought the Americans ought to be treated with humanity; and it was proved at the bar that they were so; and when it should be considered, that they had a far greater allowance than the rebels in 1745; that they had a greater allowance even than our own troops serving on board transports, he could not see that they had the least cause to complain: they were fed and clothed so as their health was preserved; and what was surprising, out of so many as six hundred and thirty-one, only eighteen had died in four years. He thought therefore, that it would not be sufficient to reject the motion before the House, but that other resolutions should be proposed, stating the facts as they had been proved at the bar, that the world might be able to judge of the truth or falsehood of the charge. A precedent of allowance in former wars, made the government incline to give the French, Spanish, and Dutch prisoners this greater allowance; but it was surely a bad argument to say the Americans had too little, because the French had more than enough. This was exactly the state of the case. He did not believe that the British prisoners had the same, or so good an allowance.

Mr. Burke. Mr. *Burke* replied to Lord North. He began with observing that the choice of precedents in this case was a little unfortunate; for there being a good and a bad one, the bad one was chosen, though the good was the most recent; instead of feeding men by the precedent immediately before our eyes, we starved them by resorting to that of the year 1745. He denied that the British prisoners were worse treated in America than the Americans in this country; asserting, on the contrary, that they were quartered in the villages, and supplied with all that the markets could produce. He ascribed the ill usage of these poor men to the rancour and revenge that had pervaded our whole system of politics with respect to America, and contended, that it would be as pernicious to our cause as it was inhuman in its nature.

With respect to that declaratory motion the noble Lord intended to make, Parliament might, he said, make resolutions,

but people would look to facts, and no declarations could convince contrary to plain evidence.

• The *Lord Advocate* argued strenuously on the opposite side, The Lord Advocate. condemning in very pointed terms the calumnious spirit which had propagated these libels on the national munificence, and enforcing the propriety of defeating them, not by a general declaration, but by holding forth to the world specifically what the allowance complained of actually is •

Mr. *Fox* answered the Learned Lord, and with that openness which constantly marks and dignifies his conduct, declared, that his opinion had all along been of the American cause, that it was the cause of freedom, the cause of constitution, the cause of Whiggism, and he had in its origin sincerely wished it success. If he had been an American, he believed he knew himself well enough to think that he would not have been inactive; but being an Englishman, he had considered it as his duty, and it was his inclination to confine his efforts to an ardent opposition to those sanguinary measures that had involved us in this war, and which being hostile to freedom, he had considered as contrary to the true interests of his country. He passed again to the subject in debate, and said, that when the noble Lord attributed the good health of the prisoners to the allowance and supply from Government, his Lordship had omitted the liberal subscriptions that had been raised for their comfort and support; and which had this effect, that they convinced America that England was not yet without numbers who had hearts to commiserate the distresses of prisoners; while Administration had nothing in view but to satiate their revenge.

The *Lord Advocate* said he resented the charges of malice, The Lord Advocate. resentment, and revenge, brought by the honourable member against Administration; they were as false as unmerited, and whenever the honourable gentleman should raise up the rod of correction, he would retort it back, and treat the honourable member according to the example he set. He was not surprised that the honourable gentleman rejoiced at the successes of our enemies; successes to which he had not a little contributed by his language and conduct in that House.

Sir *P. J. Clerke* called to order, as the Lord Advocate had Sir P. J. Clerke. spoken once before; this brought on a debate relative to order, which lasted half an hour. When it was over,

Lord *Fielding* rose, and said, he need not treat with much ceremony the motion of a gentleman who treated several acts
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of the legislature so disrespectfully : By those the Americans were pronounced rebels ; yet the honourable gentleman had in fact wished them success. The rebellion of 1745 had been mentioned ; he was convinced that if the honourable gentleman had lived at that time, and had spoken of the victories of the rebels at Falkirk and Preston-Pans, in the same manner he spoke of the American victories, twenty members would have started up at once to have him committed to the Tower.

The Solicitor
General-

The *Solicitor General* arraigned the conduct of Mr. Fox in very severe terms. He asked him if he intended to confine himself to bare wishes for the success of the Americans? Did he intend to draw the sword, put on the American uniform, and enlist under Washington, to fight the battles of America, and point his sword against the breast of his countrymen?

Mr. Fox disdained to give any reply to calumnies drawn from misrepresentation.

The House divided : ayes 27 ; noes 75.

Mr. Fox.

Mr. Fox having lost his first question, rose again, and moved his address, as he at first proposed, introducing it by some animadversions on the language of the Lord Advocate in the former debate. He professed to glory in having always adhered to whig principles, and, as a consequence of that way of thinking, to the claims of America: he did not deny that he wished America to be successful ; but how, in any other manner, he promoted them, the learned Lord perhaps could tell ; he could not : this he would say, however, no man had more strenuously endeavoured to prevent those victories than he had, by endeavouring to prevent the quarrel which necessarily gave rise to them.

Secretary at
War.

The *Secretary at War* said, that, after the resolution on which it was to have been founded had been negatived by the House, surely they could not agree to the present motion without making their proceedings ridiculous ; he should therefore move the previous question.

Mr. Fox.

Mr. Fox, in reply to this, answered, that he had no objection to make the former vote ridiculous.

Ld. No

Lord *North* persuaded his honourable friend to withdraw his previous question, and to suffer the motion to meet its proper fate, a direct negative. The honourable gentleman had advanced, that he wanted to make the House ridiculous and inconsistent ; it was therefore a question between him and the House, whether they would gratify him in becoming

ming so, and their sense ought to be taken upon it. The honourable gentleman's explanation of his sentiments towards America, he could not but admire: The learned Lord had ill-treated him, in saying he promoted the victories of America; he did not accuse the honourable member of any treasonable design against his country; he did not know of any; and he was very sure that no one would attempt to bring, as a charge against him, that he wished success to the British arms; that was a charge of which the honourable member had taken no small pains to convince the House he was completely innocent. The honourable gentleman had gloried in his whig principles, and had frequently given such an exposition of them, that he must confess for himself, if such was whiggism, he was a staunch tory; for the honourable gentleman's principles went to no less than the establishing a power in every individual to renounce his allegiance at pleasure; a power absolutely incompatible with the existence of any society in the universe. Here his Lordship entered into an examination of whig principles, as applied to the American war; stating that it was reconcileable with the opinions of Lord Somers, and every other great character of that party. As to the subscriptions for the Americans, they were too trifling to be supposed the cause of the good health that had been remarked among them; and he was confirmed in that opinion by a paper in his hand, from which it appeared, that during the present year one prisoner had died; in the last year two; and in the year before eight. Now it was remarkable that in the present and last year there had been no subscriptions; yet in both years there had died but three prisoners, whereas eight had died in 1779, the year in which subscriptions had been raised.

The motion was negatived.

The *Lord Advocate* then moved a proposition, "that it appears to this House, that the allowance of provisions given to the American prisoners is to each person in every week seven quarts of beer, seven pounds of bread, four pounds and a half of meat, four ounces of butter, or six ounces of cheese, together with two pints of pease, or greens in lieu thereof; and that the said American prisoners have during their confinement been remarkably healthy." To this motion the Lord Advocate originally added, that this provision was greater than that allowed to our own troops when at sea on board transports, but this on the suggestion of his friends he omitted.

Lord Advocate.

Mr. Fox.

Mr. *Fox* said, it would be only deceiving the world to state the bare fact, without letting them know that a distinction was made between French prisoners, who were treated generously, and Americans, who were cruelly oppressed; and that the resolution of this day would not only excite the indignation of all Europe against us; but bring down the horrors of retaliation on our subjects, prisoners in America.

Gen. Burgoyne.

General *Burgoyne* said, that it was not a fair state of the case, that the Americans had more than our soldiers in transports: the truth was, that the soldiers had their pay going on, which enabled the officers to advance them money to get a thousand little necessaries to make their situation more comfortable.

Ld. North.

Lord *North* said, that the honourable general was a little mistaken. The allowance was a pound of bread and half a pound of beef a week less to the soldiers than to the American prisoners, and their pay was not as great while at sea as on shore. As to the indignation of Europe, and the terror of retaliation, he did not apprehend either: Let the allowance speak for itself: it was sufficient; and Europe would think so with him. As to retaliation, he wished to provoke the Americans to such retaliation; our prisoners in America would have reason to rejoice at it, and reconciliation might grow from it, when the Americans should know their fellow citizens, prisoners in England, had a more ample allowance than their own soldiers in America, who were fighting their battles. The situation of our countrymen, prisoners in America, was truly deplorable; and we had been told more than once, by the rebels in authority, that if we did not feed them they might starve: the honourable general could speak upon the subject; to his honour he appealed for a fair answer, whether our soldiers, prisoners in America, were treated in any degree like American prisoners in England?

Gen. Burgoyne.

General *Burgoyne* replied, that while he lay at Cambridge, he had many cases of complaint respecting the treatment his troops had experienced; but still it was not on the score of provisions.

Ld. George Germaine.

Lord *George Germaine* replied, that many complaints had been made from the honourable general's army while he was with it, but still more after he left it, on the score of provisions; and there was not a post that arrived from America which did not bring him letters filled with complaints of the barbarity experienced by our prisoners at the hands of the Americans. The question was carried.

Mr. Fox then moved, as a fit proposition to follow that of the learned Lord, "That it appears to this House that the said allowance is less by one half pound of bread per men per diem than is allowed to French, Spanish, and Dutch prisoners."

Lord North moved the previous question, and the motion was got rid by this means.

The *Lord Advocate* then moved another resolution: "That it appears to this House that the clothing furnished to the American prisoners has been fully sufficient, and has been sent to them as often as the same has appeared to be wanting; and that the said clothing is furnished at the public expence, and has never been discontinued." The Lord Advocate.

The motion was also agreed to.

The House then in a committee went through the East-India Charter Bill, and received the report. — Adjourned to July 2.

July 2.

No debate.

July 3.

Passed the India regulating bill.

The bill for allowing merchants to warehouse sugar, upon bond, was reported to the House, with several amendments. Counsel were heard in opposition to the bill on the behalf of the sugar-refiners, warehousemen, and others, who had petitioned against it. They condemned its principle on several grounds, and contented that it was too late in the session for an act of such importance to pass, consistent with the wisdom and justice of the legislature; but Mr. Erskine, who attended as counsel for the warehousemen, chiefly confined his objections to that particular clause, which enacted, that no bonded sugars should be lodged in any other warehouses than those between London-bridge and the Tower, or within a quarter of a mile northward from that line. The learned gentleman reprobated this limitation as a mere job, calculated to answer the purposes of private interest; there could be no solid reason assigned why this region of preference was better calculated for the housing of such sugars than the south side of the river, or any district within an equal distance, east or west of the Custom-house; and yet should such a provision pass into a law, it must infallibly ruin the owners of warehouses in those parts, who had formerly employed

their premises in housing sugar, several of whom were poor widows and orphans : he observed, that this was a new kind of restriction ; for when similar indulgences had been granted on rum and tobacco, the commissioners of the customs had a power of licensing any warehouses they pleased for the reception of such articles ; a discretion, which, he believed, had seldom or never been abused, and therefore he trusted it would in this case be also allowed.

* The counsel having withdrawn from the bar, a short debate arose on the subject of Mr. Erskine's argument, and at length his proposition was adopted, a clause being introduced, empowering the commissioners of the customs to licence warehouses at sufferance for that purpose, though without the legal boundary, when they think in their discretion it may be done consistently with convenience and the interest of the revenue.

The report was then read a second time, and ordered to be engrossed with its amendments. After which, the House immediately adjourned to Thursday next.

July 5.

The Lord Advocate presented from the Secret Committee the appendix to the last report on India affairs.—Adjourned to July 11.

July 11.

No debate.—Adjourned to July 16.

July 16.

The *Attorney General* brought in a bill to amend a clause in the Cocoa-nut bill, which just passed the Lords ; the clause was that which empowered two justices of peace to determine, and made their determination final in all cases litigated under the Cocoa-bill. This clause, which it was agreed to have expunged, and, in consequence of which agreement, an application for hearing counsel against it was withdrawn, had inadvertently passed both Houses. To remedy this defect, this bill was read three times to-day, and sent up to the Lords.

The Bengal Jurisdiction bill, with the amendments which had been made in it in the Upper House, was read, when

Mr. *Burke*. Mr. *Burke* informed the House, that there was certain advice receive in town from India, that a most disgraceful agreement had been made between the Supreme Court and the

the governor and council, and that the Chief Justice, in disobedience of a positive act of parliament, had accepted of a valuable place. This conduct would require a very serious investigation in another session, when the consideration of this subject was to be renewed; and in the mean time, the bill, even with the amendments, that had been made, might be suffered to pass for the short time that was to elapse, before a regular and permanent system of law could be settled for that country.

Mr. Gregory said, that no official account had been received of the shameful transaction alluded to by the Honourable gentleman, but he had every reason to believe the report which had been received to be authentic; and it certainly would merit the attention of the legislature at as early a period as they could possibly take it up.

The bill then passed with the amendments, and was carried up to the House of Lords.—Adjourned.

July 17.

No debate.

July 18.

The Gentleman Usher of the black rod attended with his Majesty's commands, that the Commons should repair to the House of Peers, whereupon they immediately went; and the business there being finished, the Speaker and several of the Commons returned to their own House, when the Speaker retired to unrobe, and then returning to the table, round which the members stood, he read the speech which his Majesty had just delivered in the Upper House.

The Speaker then informed the House, that it stood prorogued to the 13th of Septembre next.

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